





# THE LATER ROMAN EMPIRE 284-602

A SOCIAL ECONOMIC AND ADMINISTRATIVE  
SURVEY

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VOLUME III

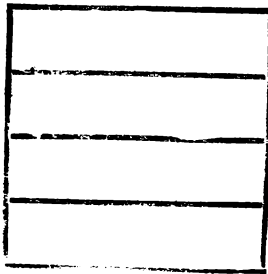
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# NOTES

## I. THE PRINCIPATE (pp. 1-19)

As this introductory chapter is merely a résumé of well-known material I have given authorities only for a few isolated facts and figures which the reader might like to verify, and for some controversial views.

1. A. Momigliano (*Secondo Contributo alla Storia degli Studi Classici*, 105-44) has to my mind conclusively demonstrated that there is no valid reason for doubting that the *Historia Augusta* could have been written at the date its authors profess to have written it. On the positive side I would add that, as Mommsen (*Ges. Schr.* VII. 302 ff.) long ago observed, the administrative terminology of the authors precisely fits this period. For example there are *duces* and very rarely a *magister militum*, but usually the praetorian prefect is commander in chief; there is no quaestor or *magister officiorum*, but the *magister memoriae* is still the chief secretary (see ch. XII, n. 3).
2. My statistics do not agree with those of P. Lambrechts (*La composition du sénat romain* (117-92), Antwerp, 1936, (193-284), Budapest, 1937), but this work is now obsolete. My figures are derived from an unpublished thesis of my former pupil J. Morris of University College, London, which comprises an exhaustive prosopography of senators and their provenance when known.
3. The titles first appear in inscriptions at the end of the second century (e.g. *ILS* 1455) but were generally current much earlier (e.g. Suet. *Claudius*, 24).
4. PIUS' ACCUMULATED BALANCE: Cassius Dio, LXXIV. 8. MARCUS' AUCTIONS: SHA, *Marcus*, 17.
5. HADRIAN'S ARREARS: *ILS* 309. MARCUS' ARREARS: Cassius Dio, LXXI. 32.
6. Galen, *de probis pravisque alimentorum succis* (Ed. Kühn, VI. 749). I am indebted for this reference to Dr. David Woollam of Emmanuel College.
7. TRIBUTUM SOLI: *Dig.* L. xv. 4 (the *forma censualis*), Appian, *Syriaca*, 50 (1% of the assessment). TRIBUTUM CAPITIS: *Dig.* L. xv. 3 (age limits in Syria); it was certainly a polltax in Egypt (Wilcken, *Grundzüge*, 189), and a polltax is recorded in Macedonia and Greece (*IG* XII. v. 724, 946, 'Aeg. Δελτ., 1916, p. 148). *Dig.* L. xv. 8 §7 suggests that *tributum soli* and *capitis* were the two standard direct taxes. Where movable property (such as ships, Tac. *Ann.* XIII. 51) was assessed is not known.
8. See my *Greek City*, 140-3.
9. SC DE GLADIATORIBUS: *FIR* 1<sup>2</sup>. 49. TERGESTE: *ILS* 6680.
10. PERTINAX'S RESERVE: Cassius Dio, LXXIII. 5. SEVERUS AND THE ARMY: Herodian, III. viii. 4.
11. CARACALLA'S INCREASE OF PAY AND ITS COST: Herodian, IV. iv. 7, Cassius Dio, LXXVIII. 36. CARACALLA AND THE VICESIMA HEREDITATUM: Cassius Dio, LXXVII. 9.
12. For my views on the *Constitutio Antoniniana* see my *Studies in Roman Government and Law*, ch. VIII.
13. MACRINUS REDUCES THE VICESIMA HEREDITATUM: Cassius Dio, LXXVIII. 12. HIS RESTRICTION OF PAY INCREASES: *ib.* LXXVIII. 28, 36.
14. THE SENATORIAL COUNCIL OF STATE: Herodian, VI. i. 2.
15. See n. 2.
16. Aur. Victor, *Caes.* xxxiii. 34, xxxvii. 5, 6; see C. W. Keyes, *The rise of the equites in the third century of the Roman Empire* (Princeton, 1915).

17. MARCUS AND THE MARCOMANNI: Cassius Dio, LXXI. 15. PERTINAX AND THE LAND: Herodian, II. iv. 6. PROBUS AND THE BARBARIANS: SHA, *Probus*, 18. AURELIAN AND THE LAND: *CJ* XI. lix. 1.

18. AURELIAN'S CURRENCY REFORM: *Econ. Hist. Rev.* 1953, 297-8; my interpretation is confirmed by C. H. V. Sutherland in *JRS* LI (1961), 94-5. THE FOLLIS: *JRS* XLIX (1959), 34 ff.; my conjecture that the *folles* was worth 12,500 denarii under Diocletian has since been proved correct by P. Beatty *Panop.* 2, line 302, when 4 *folles* are equated with 33 talents (= 49,500 denarii) + 500 denarii.

19. *Econ. Hist. Rev.* 1953, 295-6, 299.

20. BLACK MARKET IN AUREI: *CIL* XIII. 3162; for the old ratio of *denarius* to *aureus* see Cassius Dio, LV. 12 § 4, and T. V. Buttrey's analysis of this passage in *JRS* LI (1961), 40-5. AURUM CORONARIUM: Cassius Dio, LXXVII. 9.

21. RISE IN PRICES AND WAGES: *P. Oxy.* 1414.

22. For the Egyptian evidence see S. L. Wallace, *Taxation in Egypt* (Princeton, 1938). It is one of the unsolved mysteries of history that so useful a tax as the *vicesima hereditatum* had ceased to exist by the fourth century.

23. DIOCLETIAN'S EDICT: *ILS* 642. The most recent study of the *annona* problem is D. van Berchem, 'L'annone militaire dans l'empire Romain au III<sup>e</sup> siècle', *Mém. Soc. Nat. Ant. de France*, 8<sup>me</sup> série, Tome X (1937), 117-202.

24. INDICTIONES: Pliny, *Paneg.* 29, Cassius Dio, LXXVII. 9, *Dig.* XIX. i. 13 §6, XXVI. vii. 32 §6, XXXIII. ii. 28. Cf. *CJ* X. xvi. 2, 260, 3, 249. PAYMENTS FOR ANNONA: *Sb* 7181 (220 A.D.), *P. Kalen.* 9 (240 A.D.); FOR CLOTHING: *P. Oxy.* 1414. The problem is discussed by van Berchem (see n. 23), but a thorough study based on the papyri is a *desideratum*.

25. For pay and deductions see *P. Gen. Lat.* 1 (reprinted in M. McCrum and A. G. Woodhead, *Documents of the Flavian Emperors* (Cambridge, 1961), no. 405).

26. THE MAGISTER MEMORIAE'S SALARY: *Pan. Lat.* IX. 11; for the Augustal prefect and the *dux* of Libya see p. 397.

## II. DIOCLETIAN

In chapters II to IX I have not thought it necessary to give full documentation for the political and military narrative, as I am covering the same ground (more rapidly) as a number of more learned historians; O. Seeck, *Geschichte des Untergangs der antiken Welt* (Berlin, 1897-1921) for the period from A.D. 284 to 476, J. B. Bury, *A history of the Later Roman Empire* (London, 1923) for A.D. 395 to 565, A. Piganiol, *L'empire chrétien* (325-95) (Paris, 1947), E. Stein, *Histoire du bas-empire*, vol. I (284-476) (Paris, 1959, translation and revision by J. R. Palanque), vol. II (476-565) (Paris, 1949). The same applies to church history, where the story is more fully told in *Histoire de l'église* (A. Fliche, B. Martin), vol. III, *De la paix Constantinienne à la mort de Théodose* (by J. R. Palanque, G. Bardy, P. de Labriolle, Paris, 1947), vol. IV, *De la mort de Théodose à l'avènement de Grégoire le Grand* (by P. de Labriolle, G. Bardy, L. Bréhier, G. de Plinval, Paris, 1945).

There is no full scale modern biography of Diocletian. W. Seston has never completed his *Dioclétien et la Tétrarchie* (Paris, 1940), of which only the first

volume has appeared. There are exhaustive and useful articles by G. Costa in the *Dizionario Epigrafico* and by W. Ensslin in Pauly-Wissowa (s.v. Valerius Diocletianus). Apart from the general works mentioned above, there is a full account of the reign in the *Cambridge Ancient History*, XII, chapters ix, x, xi and xix.

1. Arcadius Charisius and Hermogenian are usually placed after 331 A.D. because both (Arcadius in *Dig.* i. xi. 1 §1 and Hermogenian in *Dig.* iv. iv. 17) know of the inappellable jurisdiction of the praetorian prefect, affirmed in that year by *CTh* xi. xxx. 16. But both (Arcadius in *Dig.* l. iv. 18 §26 and Hermogenian in *Dig.* l. iv. 1 §1) speak of *decaproti*, who appear to have been abolished in 307-8 in favour of *praepositi pagorum* (see my *Greek City*, p. 333, n. 106), and neither in their exhaustive treatment of *munera* mention the latter office. The wording of *CTh* xi. xxx. 16, a proconsulibus et comitibus et his qui vice praefectorum cognoscunt, sive ex appellacione sive ex delegato sive ex ordine iudicaverint, provocari permittimus . . . a praefectis autem praetorio, qui soli vice sacra cognoscere vere dicendi sunt, provocari non sinimus, ne iam nostra contingi veneratio videatur, suggests that Constantine's object was to affirm that appeals were allowed from *vice sacra iudicantes*, except for the praetorian prefects. It may be that the title *vice sacra iudicans* originally meant that the holder's judgments were like the emperor's inappellable, and that this title was originally given to the praetorian prefects only. When the title was more widely granted appeals were allowed, and Constantine in this law made this plain, reaffirming the old inappellability of the prefects only.

2. For the date and composition of the Notitia Dignitatum see App. II.

3. The vexed question of the date of Diocletian's *dies imperii* has now been settled by P. Beatty Panop. 2, lines 162, 170, etc. Maximian's dates remain highly problematical, but there is no doubt that he was appointed first Caesar and then Augustus. Eutropius, the only literary authority to record the fact (ix. 20, 22), is wrong in making Maximian continue as Caesar until 293, but a few inscriptions (e.g. *ILS* 616) record him as Caesar; since he issued no coins as such the period in which he was Caesar must have been very brief.

4. THE CAESARS: Aur. Victor, *Caes.* xxxix. 24-5, Eutrop. ix. 22. Despite Seston's ingenious arguments (*op. cit.* pp. 88 ff.) I find it hard to disbelieve the contemporary evidence of Pan. Lat. viii. 3 that both were created simultaneously on 1 March.

5. Lact. *Mort. Pers.* xviii, xix, Aur. Victor, *Caes.* xxxix. 48, xl. 1, Eutrop. ix. 27, x. 1, 2.

6. ADORATIO A PERSIAN CEREMONIAL: Aur. Victor, *Caes.* xxxix. 2, 4, Eutrop. ix. 26. SECLUSION: SHA, *Aurelianus*, 43.

7. For collegiality see pp. 325-6. The division of the empire in 293 is described by Aur. Victor, *Caes.* xxxix. 30 and Praxagoras (*FHG* iv, p. 2). That Diocletian was in Illyricum and Thrace throughout 293 and 294 is proved by the subscriptions of the Code (see pp. 495-7 of Krüger's edition). Lactantius (*Mort. Pers.* xvii) represents Diocletian as leaving for Rome after starting the persecution in the spring of 303, and returning to Nicomedia next year 'aestate peracta per circuitum ripae Istricae': he had already reached Durostorum by 8 June 303 (*CJ* v. lxxiii. 4) and was back in Nicomedia by 27 August 304 (*CJ* iii. xxviii. 26).

8. Lact. *Mort. Pers.* vii. 4, provinciae quoque in frusta concisae. BYZACENA: *AE* 1908, 197. SITIFENSIS: *CIL* viii. 8924, 20215. NUMIDIA C. AND M.:



*ILS* 631-3, 651, *CIL* VIII. 5526, 7965. TRIPOLITANIA: *ILS* 9352, *IRT* 577, *CIL* VIII. 22763. THE EGYPTIAN PROVINCES: J. Lallemand, *Bull. Ac. Roy. Belg. (Cl. lettres et sc. mor. et pol.)* 5 sér. XXXVI (1950), 387-95. CARIA: *ILS* 635. INSULAE: *CIL* III. 450, *AE* 1947, 57, *CJ* III. xxii. 5, 294. PISIDIA: *ILS* 8932, 9480. SCYTHIA: *ILS* 4103. NORICUM DIVIDED: *ILS* 4197. LUGDUNENSIS DIVIDED: *CTh* XI. iii. 1, 313 (S). VIENNENSIS: *CIL* XII. 1852.

9. See my article, 'The date and value of the Verona list', *JRS* XLIV (1954), 21-9, and add *CIL* VIII. 18905, which shows Numidia reunited in 314.

10. ACTA MARCELLI: *Anal. Boll.* XLI (1923), 260 ff. AURELIUS LITUA: *ILS* 628; Cornelius Octavianus appears to have dealt with the rebel Bavares 'et in priori praesidatu et post in ducatu' (*ILS* 9006). FORTRESSES BUILT BY PRAESIDES: *AE* 1931, 82 (Britain), *ILS* 640 (Maxima Sequanorum), *AE* 1942-3, 81, cf. *ILS* 5786 (Numidia), *CIL* VIII. 8712 (Sitifensis), *ILS* 9352 (Tripolitania), 6886 (Caesariensis), *CIL* III. 14149, *AE* 1895, 182 (Arabia), *CIL* III. 6661 (Libanensis).

11. VALERIUS CONCORDIUS: *CIL* XIII. 3672 (v.p.). CARAUSIUS: Eutrop. IX. 21. DUCES OF SCYTHIA: *ILS* 4103 (v.p.); IN VALERIA: *CIL* III. 10981 (v.p.); IN NORICUM: *ILS* 664 (v.p.); IN ILLYRICUM: *FIR* r<sup>2</sup>. 93, line 24; OF EGYPT, etc.: *AE* 1934, 7-8 (v.p.); OF AFRICA, ETC.: *ILS* 2774, cf. 9006. For later *ducatus* covering several provinces see *Not. Dig. Or.* xxxiii, xxxviii, *Occ.* xxxii, xxxiv, xxxv, xxxvii, xl.

12. See *JRS* XLIV (1954), 24 ff. I have noted the following *praesides* of Diocletianic date who are styled v.p.; *IGR* I. 789-92, 1511-2, *IRT* 577, *ILS* 618, 628, 635, 640, 644, 4495, 9352, *CIL* II. 4104, 5140, III. 223, 307, 450, 480, 6661, 14156, VI. 1641, VIII. 2573-5, 2660, 4325, 8474, 21447-9, 23179, *AE* 1908, 107, 1917-8, 30, 1920, 15, 1930, 114, 1942-3, 81, 1956, 34; also prefects of Egypt, *P. Oxy.* 71, 888, 1456, 1503, 2187.

13. The administrative set up of Egypt under Diocletian has been vividly illuminated by *P. Beatty Panop.*, which shows  $\delta \epsilon \pi \iota \tau \rho \omicron \varsigma \tau \eta \varsigma \kappa \alpha \tau \omega \tau \epsilon \rho \omega \Theta \eta \beta \alpha \iota \delta \omicron \varsigma$  arranging all financial affairs and mentions  $\delta \epsilon \pi \iota \tau \rho \omicron \varsigma \tau \eta \varsigma \alpha \nu \omega \tau \epsilon \rho \omega \Theta \eta \beta \alpha \iota \delta \omicron \varsigma$  fulfilling similar functions (I, lines 79, 187, 2, line 180), while  $\delta \eta \gamma \omicron \upsilon \mu \epsilon \nu \omicron \varsigma \tau \eta \varsigma \Theta \eta \beta \alpha \iota \delta \omicron \varsigma$  appears only as a judge (I, lines 143, 272, 347, cf. 126) or as concerned with forts (I, lines 77, 385, 404) and the manufacture of arms (I, lines 213, 342). In 316 an  $\epsilon \pi \iota \tau \rho \omicron \varsigma \tau \eta \varsigma \epsilon \pi \tau \alpha \nu \omicron \mu \iota \alpha \varsigma$  is recorded at the same time as a  $\eta \gamma \epsilon \mu \omega \nu \tau \eta \varsigma \epsilon \rho \kappa \omicron \upsilon \lambda \iota \alpha \varsigma$  (*P. Oxy.* 2113-14): these procurators of subdistricts are not later continued. For the financial responsibility of proconsuls under Constantine see *CTh* XI. i. 2+vii. 1, 313 (S), XI. xvi. 1, 319, I. xii. 2, 319.

14. *Lact. Mort. Pers.* vii. 4.

15. For Diocletian's insistence on fair assessments see the edict of Optatus (*P. Cairo Isid.* I, *Sb* 7622); on jurisdiction, *CJ* III. iii. 2, 294.

16. Italy appears as officially one diocese not only in the Verona list but in the *Notitia Dignitatum* (*Occ.* i. 52-60, 90-7, ii. 6, 10-27), though by that time the *vicarius urbis Romae* was long established. A *vicarius* of the *praefectus urbi* is very occasionally mentioned (*Zos.* II. 9, *ILS* 1214, 792, *Chron. Min.* I. 67, 68) and elaborate theories have been formulated (most recently by Chastagnol, *La Préfecture Urbaine à Rome*, 26-42, who cites the earlier literature) on his relation with the *vicarius* of the praetorian prefect in *urbe Roma*. The meagre evidence does not seem to me to justify these theories: so far as we know the *vicarius* of the urban prefect was merely his temporary deputy (as certainly in *Chron. Min.* I. 67, 68). The *vicarius urbis* is first recorded with that title in *ILS* 1214, *vicario*

praef. praetorio bis, in urbe Roma et per Mysias, but *ILS* 619 records 'Septimius Valentio v.p. a.v. praef. praett. cc. vv.' at Rome in 293-6.

17. EARLY VICARS: *ILS* 619, 1214 (cited in n. 16; Urbs Roma and Moesia), *Acta Marcelli*, *Anal. Boll.* xli (1923), 260 ff. (Spain), *AE* 1942-3, 81, *IRT* 464, Aur. Victor, *Caes.* xl. 17, Eus. *HE* x. 6 (Africa), *ILS* 1218 (Italy), *P. Oxy.* 1469, *CJ* xi. l. i (325), *CTh* xii. i. 12, 325, ii. xxxiii. 1, 326 (S), Eus. *V. Const.* i. 31 (Oriens), *CTh* xi. vii. 2, 319 (Britain). A number of others are recorded in the Codes without their dioceses (e.g. *CJ* vii. xxii. 3, 314; viii. x. 6, 321, ix. xxxiv. 3, 320, *CTh* ii. vii. 1, 314, ii. xv. 1, 319). For the military duties of early *vicarii* see the *Acta Marcelli* and *AE* 1942-3, 81. The equestrian rank of vicars is attested by *ILS* 619, *IRT* 464 and (of later date) *ILS* 1214, 1218, Aug. *Ep.* 88 §4, *CIL* ii. 2203, *P. Oxy.* 1469. The constitutional position of proconsuls is described by Eunapius (*V. Soph.* vii. 5) and also emerges from *Not. Dig. Or.* ii, xxiv, where Asia is omitted from the lists of provinces under the disposition of the praetorian prefect of the East and the vicar of Asiana, and *Occ.* ii, xx, where Africa is similarly omitted. The later established proconsul of Achaea was subject to the praetorian prefect of Illyricum (*Not. Dig. Or.* iii. 8).

18. Lact. *Mort. Pers.* vii. 4. I know of the following diocesan *rationales* under Diocletian and Constantine: Africa, *CIL* viii. 7043, *ILS* 1218, Eus. *HE* x. 6 §1, *CTh* x. i. 2, 319, xix. 1, 320; Numidia and Mauretania, *CIL* viii. 7008-9, 7067; Gaul, *ILS* 1214, *rationalis vicarius per Gallias*; Spain, *CTh* x. xi. 1, *rationali[bus]* Hispaniarum, 317; Tres Provinciae, *CTh* ii. xxx. 1, 325 (S), xii. vi. 2, 325 and vii. 1, 325; Urbs Roma, *ILS* 1218, *CTh* xi. xxx. 14, 327; Asiana, *ILS* 6091; Egypt, *P. Oxy.* 1410, τοῦ διασημοτάτου καθολικοῦ ἐπαρχίας Αἰγύπτου καὶ Λιβύης, *CIL* iii. 17, *P. Oxy.* 1204, 1260, 2187, *P. Merton*, 90, *PSI* 302, *P. Harris*, 160, *P. Vind.* 14, *Sb* 4295, *P. Beatty Panop.* 1, lines 64, 90; 2, lines 12, 23, *P. Flor.* 54. There are a large number of *rationales* recorded at Rome (*CIL* vi. 1120a, 1121, 1132, 1145, 1701 a, b); they may have been *rationales urbis Romae*, but some may have been *rationales* of the (Western) empire. Practically all the above are styled v.p.

19. Diocesan *magistri rei privatae* are rarely recorded. I can cite *P. Beatty Panop.* 1, lines 160, 205, 227 (298), *CTh* x. i. 4, ad Dometium Dracontium magistrum privatae rei Africae, 320, *CIL* iii. 18, Val. Epiphanius v.p. mag. privat. Aeg. et Lib. (Constantine). *Magistri (rei privatae)* are often coupled with *rationales (rei summae)*, e.g. in Lact. *Mort. Pers.* vii. 4, Firm. Mat. *Math.* iv. xxi. 9, *CJ* iii. xxii. 5, 294, *CTh* x. i. 2, 319, xii. i. 14 (326-54).

20. A proconsul of Crete is still recorded under Diocletian (*AE* 1933, 101, 1934, 259), and a v.c. *legatus Augusti* in Phoenice (*AE* 1939, 58). A *ληγάτος* of Moesia II appears in the *Acta Dasii* (*Anal. Boll.* xvi (1897), 11-5). DECIMUS: *ILS* 607, 2291, 3091. MAXIMIANUS: *ILS* 2292, 5786-7. CONSTANTIUS: Anon. Val. i. CONCORDIUS: *CJ* ix. ix. 27, 295, *CIL* xiii. 3672. Cf also Octavianus, *ILS* 9006 (cited in n. 10).

21. DUCES AND IUDICES: Pan. Lat. x. 3, qui iustitiam vestram iudices aemulentur, qui virtutis vestrae gloriam duces servant. FLAVIANUS: *CIL* viii. 4325. MEN OF LIBERAL EDUCATION: Pan. Lat. ix. 5, 15, vi. 23.

22. ASCLEPIODOTUS AND HANNIBALIANUS: *ILS* 8929, SHA, *Probus*, 22, Aur. Victor, *Caes.* xxxix. 42, Eutrop. ix. 22. VOLUSIANUS: Aur. Victor, *Caes.* xl. 18. POMPEIANUS: Pan. Lat. xii. 8, cf. iv. 25. For the functions of the praetorian prefects see pp. 371-2, 448 ff., 479 ff. For the two financial departments and the secretariats see pp. 412 ff., 367-8.

23. SICORIUS PROBUS: Petr. Patr. 14. The *magister studiorum* is last recorded in *ILS* 1214, which is also the only evidence for a *consiliis sacris*.

24. For Asclepiodotus see n. 22. EUMENIUS: Pan. Lat. ix. 6, 11. Gallus had a praetorian prefect and a quaestor (Amm. xiv. i. 10, vii. 9, 12), appointed by Constantius. So also had Julian (Amm. xvii. iii. 4, xx. viii. 14, ix. 5), but Ursulus, Constantius' *comes sacrarum largitionum*, controlled the *largitiones* in Julian's dominions (Amm. xxii. iii. 7).

25. SALARY OF MAGISTER MEMORIAE: Pan. Lat. vi. 11, *trecena illa sestertia quae sacrae memoriae magister acceperam*. For the allowances of *duces* etc. see p. 397.

26. Lact. *Mort. Pers.* vii. 4. For the numbers of *officia* see pp. 592-4.

27. Zos. II. 34. The latest substantial contribution to the problem of the army is D. van Berchem, *L'Armée de Dioclétien et la Réforme Constantinienne*, Paris, 1952.

28. LANCIARII: *ILS* 2781, Val. Thiumpo qui militavit in leg. XI Cl., lectus in sacro comit. lanciarius, deinde protexit annis V, missus, pref. leg. II Hercul., 2782, Martino . . . qui vixit ann. XXXVIII, in prima Minerbes mil. ann. V, in und. ann. IIII, in lanciaria ann. V, in pr. ann. V, 2045, Val. Tertius militi corti X pretorie qui vixit annis XXXVI mes. III dies XV, militabit legione Mesiaca annis V, inter lanciarios annis XI, in pretoria ann[is . . .]. COMITES: P. Oxy. 43R, col. ii, 17, 24, 27. The Lanciarii Seniores are the senior palatine legion in the East (*Not. Dig. Or.* v. 42), the Comites Seniores the senior palatine vexillation in both East and West (*Not. Dig. Or.* vi. 28, *Occ.* vi. 43). ACTA MAXIMILIANI: G. Krüger, *Ausgewählte Märtyrerakten*, 86-7.

29. Opt. *App.* I, *ad init.*

30. The usurper Magnentius was commander of Ioviani and Herculiani (Zos. II. 42); cf. also Soz. vi. 6, Zos. III. 30, Vegetius, I. 17, where their origin is given. Their Seniores rank highest among the palatine legions of the West (*Not. Dig. Occ.* v. 145-6) and their Iuniores next after the Lanciarii in the East (*Not. Dig. Or.* v. 43-4). The Equites Promoti Seniores are the highest ranking palatine vexillation in the East (*Not. Dig. Or.* v. 28), and the second highest, after the Comites Seniores, in the West (*Not. Dig. Occ.* vi. 44).

31. On the origins of the *protectores* see Stein, *Bas-Empire*, I. 57-8. DIOCLETIAN: Aur. Victor, *Caes.* xxxix. 1, domesticos regens, SHA, *Carus*, 13, domesticos tunc regentem. VALERIUS VINCENTIUS: *ILS* 2779. PROTECTORES IN EGYPT: P. Oxy. 43R, col. ii, 7, col. iv, 18-20.

32. For Thiumpus see n. 28.

33. ACTA SERGII ET BACCHI: *Anal. Bol.* xiv (1895), 375 ff. SCUTARII: Lact. *Mort. Pers.* xix. 6, statim scutarius, continuo protector, mox tribunus, postridie Caesar, *CTh* xiv. xvii. 9, 389, annonas civicas in urbe Constantinopolitana scholae scutariorum et scutariorum clibanariorum divi Constantini adseruntur liberalitate meruisse. For the later history of the *scholae* see pp. 613-4.

34. For the Constantinian additions to the *comitatus* see pp. 97-8. THE EGYPTIAN EXPEDITIONARY FORCE: P. Oxy. 43R, col. ii, 21-3, col. iv, 11, col. v, 12-13, 23-4, cf. *Not. Dig. Or.* xxviii. 14, 15, for V Macedonica and XIII Gemina; xxxi. 43, for ala II Hispanorum.

35. *CJ* vii. lxiv. 9 (293-305), veteranis qui in legione vel vexillatione militantes post vicesima stipendia honestam vel causariam missionem consecuti sunt, honorum et munerum personalium vacationem concessimus, x. lv. 3 (286-93), veteranis ita demum honorum et munerum personalium vacatio iure conceditur



si post vicesimum annum militiae quam in legione vel vexillatione militaverunt, honestam vel causariam missionem consecuti esse ostendantur. unde cum te in cohorte militasse commemoras, intellegis supervacuo vacationem tibi velle flagitare, *FIR* I<sup>2</sup>. 93, 311, quo tam legionarii milites quam etiam equites in vexillationibus constituti Inlyriciani sicuti similes labores militiae suae sustinent ita etiam provisionis nostrae similibus commodis perfruuntur. In the *Notitia* this distinction is still observed in most provinces of the East in so far as *alae* and *cohortes* are on the *laterculum minus* (*Not. Dig. Or.* xxviii. 23, xxxi. 42, xxxii. 32, etc.).

36. *EQUITES DALMATAE COMIT.*: *ILS* 664, 2792. *LANCIARII*: *Not. Dig. Or.* viii. 44, ix. 36, *Occ.* v. 152, 259, 260 (= vii. 58, 59, 82). For Aurelian's Moorish and Dalmatian cavalry see *Zos.* i. 52, and for their distribution in the *Notitia App. II*, Table X.

37. For the strength of various classes of units see pp. 680-2 and for the analysis of the *Notitia* which follows see *App. II*, Tables IX-XIV.

38. *Lact. Mort. Pers.* vii. 2. *BARBARIAN UNITS*: *Not. Dig. Or.* xxviii. 25-6, 33, 43, xxxi. 46, 51, 55-6, 61-3, 66-7, xxxii. 35-7, 41, xxxiii. 31-2, xxxvi. 33-4, 36. For the *laeti* see p. 620.

39. For the later system of conscription see pp. 615-6. *PROTOSTASIA*: *CJ* x. xlii. 8 (293-305), lxii. 3 (286-93). *TEMONARIUS*: *Acta Maximiliani* (see n. 28). *SEVERITY OF CONSCRIPTION*: *Lact. Mort. Pers.* vii. 5, haec quoque tolerari non possunt quae ad exhibendos milites spectant.

40. *Lact. Mort. Pers.* vii. 3, adeo maior esse coeperat numerus accipientium quam dantium ut enormitate indictionum consumptis viribus colonorum desererentur agri et culturae verterentur in silvam.

41. For the currency see pp. 438-9.

42. *THE EDICT ON PRICES*: *Lact. Mort. Pers.* vii. 6, 7; the best text is in Tenney Frank, *Economic Survey of Ancient Rome*, v. 310-421: there is an important additional fragment in *AE* 1947, 148-9.

43. The best account of the *capitatio* is A. Déléage, *La capitation du bas-empire*, Macon, 1945. See also my article, '*Capitatio* and *ingatio*', *JRS* xlvii (1957), 90 ff. For the quinquennial cycle see L. Amundsen, *Ostraca Osloensia*, pp. 64-8, and for the first indiction of 312, E. H. Kase, *A papyrus Roll in the Princeton Collection*, pp. 25-31. *EDICT OF OPTATUS*: *P. Cairo Isid.* i (=Sb 7622).

44. The Syrian census inscriptions are collected in Déléage, op. cit., 152-7, the Egyptian declarations, ibid. 48 ff., the inscribed census records of Asiana, ibid. 164 ff.; cf. my article, 'Census records of the later Roman Empire', *JRS* xliii (1953), 49 ff. *THE CENSUS OF PONTICA*: *Lact. Mort. Pers.* xxiii. 1-6; OF GAUL: *Pan. Lat.* V. 5.

45. *SYRIAN SCHEDULE*: *Leges saeculares*, 121 (*FIR* II<sup>2</sup>, pp. 795-6). *ASIANIC SCHEDULE*: *JRS* xliii (1953), 49-50. *CENTURIAE*: *CTh* xi. i. 10, 365, xxviii. 13, 422, Val. III, *Nov.* xxxiv, 431. *MILLENAE*: *CIL* x. 407, Val. III, *Nov.* v §4, 440, *Maj. Nov.* vii §16, 458, *Just. App.* vii §26, 554.

46. *JRS* xliii (1953), 50-1.

47. *POLLTAX ON RURAL POPULATION ONLY*: *CJ* xi. lv. i (290), ne quis ex rusticana plebe quae extra muros posita capitationem suam detulit et annonam congruam praestat ad ullum aliud obsequium devocetur, *P. Cairo Isid.* i (=Sb 7622); ON *URBAN POPULATION IN ASIA MINOR*: *Lact. Mort. Pers.* xxiii. 2, hominum capita notabantur, in civitatibus urbanae ac rusticae plebes adunatae; IN *EGYPT*: *PSI*

163, 302, 462, 780; REMITTED IN ASIANA: *CTh* XIII. x. 2, 311 (S), plebs urbana, sicut in orientalibus quoque provinciis observatur, minime in censibus pro capitatione sua conveniatur, sed iuxta hanc iussionem nostram immunis habeatur, sicuti etiam sub domino et parente nostro Diocletiano seniore Augusto eadem plebs urbana immunis fuerat.

48. SEVERUS' CENSUS AT ROME: Lact. *Mort. Pers.* xxvi. 2. AFRICA: *CTh* XIII. iv. 4, 374. GAUL: Pan. Lat. v. 5-6, 11-2, *CTh* XII. i. 36, 343, XI. xxiii. 2, 362, XIII. x. 4. 368, 6, 370.

49. *CJ* XI. lv. 1 (290); Arcadius Charisius, *Dig.* L. iv. 18 §8, qui annonam suscipit vel exigit vel erogat et exactores pecuniae pro capitibus; Lact. *Mort. Pers.* xxiii. 6, post hoc pecuniae pro capitibus pendebantur; for the Egyptian poll tax see above n. 47.

50. *FIR* I<sup>2</sup>. 93, 311, *CTh* VII. xx. 4, 325. For further details see *JRS* XLVII (1957), 88 ff.

51. TAXATION OF ITALY: Aur. Victor, *Caes.* xxxix. 31, hinc denique parti Italiae invectum tributorum ingens malum; cf. Lact. *Mort. Pers.* xxvi. 2 for the *capitatio*. The *ius Italicum* was conferred on Constantinople (*CTh* XIV. xiii. 1, 370, *CJ* XI. xxi. 1, 421), but as appears from Soz. VII. 9 this merely meant that τὰ συμβόλαια κατὰ τὰ νόμιμα τῶν ἐν Ἰταλίᾳ πόλεων ἐκρίνετο. For Justinian's abolition of the distinctions between Italian and provincial lands see *CJ* VII. xxv. 1 (530-1), xxxi. 1, 531, xl. 1, 530, *Inst.* II. vi. pr.

52. For *capitula* see pp. 615-6. COMMUTATION FOR ANIMALS: E. H. Kase, *A Papyrus Roll in the Princeton Collection*, I. 11-4, 21-4, II. 12-20. PAYMENT FOR CLOTHING: P. *Cairo Isid.* 54; for the later system see *CTh* VI. vi. 3, 377.

53. PUBLIC WORKS AND THE CORVÉE: Lact. *Mort. Pers.* vii. 8-10. QUARRIES: *Chr.* I. 391. See also ch. XXI, n. 34.

54. FABRICAE: Lact. *Mort. Pers.* vii. 9, cf. P. Beatty *Panop.* 2, lines 213-6, 342-6 (conscription of craftsmen πρὸς τὴν τῆς φάβρικοις ἐργασίαν and πρὸς ἐργασίαν περικεφαλίων καὶ λορίκων κνημιδων. GYNAECIA AND LYNPHIA: Eus. *V. Const.* II. 34. For the organization of the factories see pp. 834-7.

55. For the *cursus publicus* see pp. 830-4 and for the *pastus primipili*, p. 459. Arcadius Charisius cites 'cursus vehicularis sollicitudo, item angariarum praebitio' as personal *munera*, and 'agminales equi vel mulae et angariae atque veredi' as patrimonial (*Dig.* L. iv. 18 §§4, 21, 29, cf. §10 for building *mansiones*).

56. Lact. *Mort. Pers.* vii. 3.

57. Pan. Lat. v. 6-7. Aur. Victor, *Caes.* xxxix. 32, pensionibus inducta lex nova: quae sane illorum temporum modestia tolerabilis in perniciem processit his tempestatibus. Them. *Or.* VIII. 113 c.

58. On my theory of the development of the tied colonate see my article, 'The Roman Colonate', *Past and Present*, XIII (1958), 1-13. EDICT OF THE PREFECT OF EGYPT: *Chr.* I. 202. LETTER OF THE PRAEPOSITUS PAGI: P. *Cairo Isid.* 126. THEADELPHIA: P. *Thead.* 16, 17.

59. For the census registers see *JRS* XLIII (1953), 49 ff.

60. On the *curiales* see my *Greek City*, 192 ff. LAWS OF DIOCLETIAN: *CJ* X. xxxii. 6, 293 (illiteracy), 12, 293, lix. 1 (286-93, *infamia*), xxxii. 13 (293-305, Protus), xxxiii. 1 (286-93), lviii. 1 (293-305, freedmen).

61. BAN ON MILITARY SERVICE: *CJ* XII. xxxiii. 2 (286-93).

62. OFFICERS EXCUSED: *CJ* X. xlviii. 2 (286-93), *CTh* VII. ii. 1, 313.

63. AURELIUS PLUTARCHUS: *P. Oxy.* 1204.
64. CONSTANTINE'S LAW: *CTb* XII. i. 4, 317. LICINIUS' LAW: *CTb* XII. i. 5, 317.
65. For the great persecution see *CAH* XII. ch. xix, and the bibliography on pp. 789-96. THE CHURCH OF NICOMEDIA: Lact. *Mort. Pers.* xii. 3-5. ADAUCTUS: Eus. *HE* VIII. 11. CHRISTIAN DUOVIRI, FLAMINES AND SACERDOTES: *C. Ilib.* can. 2, 3, 55, 56.
66. THE INTERRUPTED SACRIFICE: Lact. *Mort. Pers.* x, cf. *Div. Inst.* IV. 27 §§4-5.
67. THE FIRST EDICTS: Lact. *Mort. Pers.* xii, xiii, Eus. *HE* VIII. 2, *Mart. Pal.* pr. That Christian meetings were prohibited appears from the *Acta Saturnini* (*Studi e Testi*, LXV (1935), 49 ff.). CONSTANTIUS: Lact. *Mort. Pers.* xv. 7, cf. the Donatist petition in Opt. I. 22; Eusebius (*HE* VIII. 13 and *V. Const.* I. 16) exaggerates his favour to the Christians.
68. SECOND AND THIRD EDICTS: Lact. *Mort. Pers.* xiv, xv. 2, Eus. *HE* VIII. 6, *Mart. Pal.* pr. and I §4. FOURTH EDICT: Eus. *Mart. Pal.* 3 §1. Among the Western acts of the martyrs I know of only one of reputable appearance (*Acta Crispinae*, Krüger, *Ausgewählte Märtyrerakten*, 29) which speaks of an imperial order of general sacrifice. There are a few cases where a Roman governor ordered a recalcitrant Christian to sacrifice (Aug. *c. Cresc.* III. 30, Donatus respondit: scis quantum me quaesivit Florus ut turificarem, *Acta Eupli, Studi e Testi*, XLIX (1928), 47 ff., where the order to sacrifice may be an apocryphal addition), but these are not proof of any general edict, for sacrifice was a test normally applied to accused Christians and may have been ordered by governors in individual cases. As against this must be set the fact that the whole Donatist controversy hinged on *traditio*, the surrender of the Scriptures under the first edict, and charges of sacrifice did not arise. It is incredible, if the African bishops had been imprisoned and forced to sacrifice, that the council of Cirta (Aug. *c. Cresc.* III. 30) should have concerned itself only with accusations of *traditio* and that the council of Arles (*C. Arel.* I, can. 13) should have legislated on charges of *traditio* only. In the East, on the contrary, the sin of *traditio* was completely overshadowed by that of sacrifice, and the canons (see n. 76) deal only with Christians who had sacrificed.
69. MAXENTIUS: Eus. *HE* VIII. 14, Aug. *Brev. Coll.* III. 34, *ad Don. post Coll.* 17. MAXIMINUS' EDICTS: Eus. *Mart. Pal.* 4 §§8, 9 §2.
70. Lact. *Mort. Pers.* xxxiii-xxxv, Eus. *HE* VIII. 17, IX. 1.
71. Lact. *Mort. Pers.* xxxvi, Eus. *HE* IX. 2 ff. For Lycia-Pamphylia see *OGI* 569.
72. ANULLINUS AND THE MAGISTRATES OF TIGISIS: Aug. *Brev. Coll.* III. 25. BRIBERY OF OFFICIALS: Peter of Alexandria, can. xii (*PG* XVIII. 500). BOGUS TORTURES: *C. Anc.* can. 1.
73. Any judgement on this question is subjective, but it can hardly be an accident that genuine martyr acts are so rare in the West outside Africa: Euplus in Sicily is the only case of which I know. In Africa we have an absolutely genuine record of abject *traditio* at Cirta in Opt. *App.* I. 17b-19a, and less certain charges of *traditio* and evasion in Aug. *Brev. Coll.* III. 28 and *C. Cresc.* III. 30.
74. For Egypt Eusebius, who was an eyewitness, gives an impressive picture in *HE* VIII. 9; for the Egyptian convicts sent to Palestine and elsewhere see Eus. *Mart. Pal.* 8 §§1, 13; 11 §6. For Egyptian stubbornness, Amm. xxii. xvi. 23.



75. PROCOPIUS: Eus. *Mart. Pal.* 1. For other voluntary martyrs in Palestine see Eus. *Mart. Pal.* 3 §3, 4 §8.

76. SCALES OF PENANCE: PG XVIII. 467-508 (Peter of Alexandria), *C. Anc. can.* 1-9. For the Donatists and Melitians see pp. 954-5.

### III. CONSTANTINE (pp. 77-81)

The latest scholarly work on Constantine is J. Vogt, *Constantin der Grosse und sein Jahrhundert*<sup>2</sup>, Munich, 1960, which contains a bibliography of the abundant modern literature; cf. the same author's article 'Constantinus der Grosse' in the *Reallexicon für Antike und Christentum* (1956). I have set out my own view of Constantine in full in my popular work, *Constantine and the Conversion of Europe*<sup>2</sup>, New York, 1963, which though it gives no references cites the major documents in translation *in extenso*.

1. For the documents in the *Vita Constantini* see J. *Eccl. Hist.* v (1954), 196-200. Vogt has to my mind successfully vindicated the authenticity of the *Vita* itself in *Röm. Mitt.* LVIII (1943), 198 ff., *Mélanges Grégoire* I (1949), 593 ff., *Historia* II (1953-4), 463 ff. and *Hermes* LXXXI (1953), 111 ff.

2. A peculiarly baffling group of laws is that addressed *ad vv. cc. PPO* (CTh vi. xxvii. 1, vii. xiii. 1, xxi. 2, viii. iv. 5, vii. 4, 5, 6, xii. i. 14, 18). Both Mommsen and Seeck regarded them as parts of a single law, because they all deal with cognate topics, and the consulships look suspiciously like various corruptions of one imperial consulship (it should however be noted that the day and month are quite different in each); Mommsen decided for 353 as the real date, Seeck for 326. Both overlooked the fact that vi. xxvii. 1 grants immunity from the *curia* after *twenty* years' service to 'largitionales et officiales comitum rerum privatarum', while viii. vii. 6 gives immunity from the *curia* after *twenty-five* years' service to 'largitionalibus comitatensibus et officialibus rationalis rerum privatarum'. Since they prescribe a different rule and give a different title to the chief of the *res privata* they cannot be parts of the same law. I suspect that these laws are derived from a file of imperial rulings on the question of decurions and *militiae* kept in the office of one of the praetorian prefects, and that the redactors of the Code took the date of the file to be that of the laws which it contained: in which case they are all of uncertain date.

3. Pan. Lat. vi. 2-3.

4. Eus. *V. Const.* i. 28, Lact. *Mort. Pers.* xlv.

5. The inscription of the arch (ILS 694) must have been composed or at any rate approved by Constantine. GRANTS TO THE CHURCH: Eus. *HE* x. 5 §§15-17, 6, 7. The quotation is from the last passage.

6. THE EDICT: Lact. *Mort. Pers.* xlviii, Eus. *HE* x. 5 §§1-14. Licinius' monotheist prayer (Lact. *Mort. Pers.* xlv. 6) bears a remarkable resemblance to the prayer which Constantine later ordered his pagan soldiers to use (Eus. *V. Const.* iv. 20) and may well have been suggested by him to his colleague. Lactantius declares that an angel dictated the prayer to Licinius in a dream, thus putting him on a par with Constantine, and Eusebius in the opening words of *HE* ix. 9 couples Constantine and Licinius together as equally servants of God.

7. *CTh* VII. XX. 2, 326 (S), *adclamatum est*: Auguste Constantine, dii te nobis servant.

8. COINS OF SOL: *Num. Chron.* 1957, 32-3. SUNDAY: *CTh* II. viii. 1, 321, *diem solis veneratione sui celebrem*.

9. For the origins and early history of the Donatist schism see W. H. C. Frend, *The Donatist Church*, 3-24, 141-68. Constantine in his letter to Caecilian (Eus. *HE* x. 6) assumes the latter's opponents to be in the wrong, and orders that his bounty should be reserved for the clergy listed by Hosius. THE DONATIST PETITION: Aug. *Ep.* 88 §2. CONSTANTINE'S LETTER TO MILTIADES: Eus. *HE* x. 5 §§18-20. THE COUNCIL OF ROME: Opt. I. 23-4. CONVOCATION OF THE COUNCIL OF ARLES: Eus. *HE* x. 5 §§21-4, Opt. *App.* III.

10. Opt. *App.* III. *ad fin.*

11. The decision of the Council of Arles is given in its letter to the pope (Opt. *App.* IV), and Constantine's rejection of the Donatists' appeal in his letter to the council (Opt. *App.* V). The investigation whereby Felix was cleared of *traditio* is in Opt. *App.* II, and that in which the Donatist bishop Silvanus was convicted of *traditio* in Opt. *App.* I. For Constantine's first abandonment of the persecution see Opt. *App.* IX, X.

12. It appears from Them. Or. IV. 58b, that Constantine laid out the walls of Constantinople at the same time that he declared Constantius II Caesar, that is in 324: the formal dedication of the site took place on 3 November of that year (*Chron. Min.* I. 233, 643). *CTh* XIII. V. 7, 334, *pro commoditate urbis quam aeterno nomine iubente deo donavimus*; the second quotation is from Eus. *V. Const.* III. 48. CHURCHES AND SCRIPTURES: *ibid.* IV. 36 (a letter of Constantine). I prefer this evidence to the spiteful and confused statement of Zosimus (II. 31) that Constantine built temples to Rhea and the Fortune of Rome: the alleged temples were doubtless halls for the exhibition of statues (note that the statue of Rhea was altered from its original form as a cult image).

13. Soc. I. 16. The statement is usually doubted, but Socrates declares that the constitution conferring the title was publicly engraved in the Strategion and Alexander, Bishop of Byzantium, is styled bishop of New Rome in a document of 324 (*Nachr. Ges. Gött. Wiss.* 1905, 272-9). The prefecture of Constantinople was inaugurated in 359 (Soc. II. 41, *Chron. Min.* I. 239), and prior to that date a proconsul is mentioned at Constantinople in 343 (*Äth. Apol. de fuga*, 3), 355 (Them. Or. ed. Dindorf, p. 502) and 356 (*CTh* VI. IV. 8, 9). It is generally assumed that this proconsul was governor of the city only, but the passage in Athanasius implies that he had authority over Aenus and Trajanopolis, cities of Rhodope. I am inclined to think that Constantine united two or more of the provinces of Thrace and gave their governor the higher title of proconsul. An earlier stage in the process may be recorded in *ILS* 1240, when Aradius Proculus is *consularis provinciae Europae et Thraciae* soon after 324 (for the date cf. *ILS* 6111); 'Thracia' in this inscription cannot denote the province of Thrace, which was not contiguous to Europa, but probably means 'the rest of the diocese of Thrace' or 'other provinces of the Thracian diocese'. Europa had earlier been under an equestrian *praeses* (*IGR* I. 789-91). Themistius' statement (Or. IV. 55b), *Κωνσταντῖνον ἐστὶ γέννημα καὶ θεμέμια ἢ γεγονότα*, no doubt means that Constantine gave the title of senate to the council of his city, but Anon. Val. 30, *ibi etiam senatum instituit secundi ordinis; claros vocavit*, is decisive that this 'senate' was not coordinate with the Roman senate. Constantius II implies that the *senatus Constantinopolitanus* only bore Constantine's name and was not his creation, when he says (Them. *Oratio Constantii*, 23b): *οὕτως γὰρ ἂν*

καὶ τῷ θειοτάτῳ πατρὶ πράττοιμεν κεχαρισμένα τὴν ἐπώνυμον αὐτοῦ βουλὴν ἀνθεῖν τε καὶ θάλλειν τοῖς μεγίστοις τῶν ἀγαθῶν παρασκευάζοντες. Zosimus' statement (III. 11) that Julian ἔδωκε μὲν τῇ πόλει γερονσίαν ἔχειν ὥσπερ τῇ 'Ρώμῃ must be an error. For the magistracies see *CTb* vi. iv. 5+6, in which Constantius II appears to establish the praetorship for the first time in 340.

14. THE INAUGURATION: *Chron. Min.* i. 233, 643. Zosimus' strictures on Constantine's jerry building (II. 32) are borne out by Themistius (*Or.* III. 47c). GRANTS OF IMPERIAL LAND: Th. II, *Nov.* v. i §1, 438, valuerit igitur in fundis patrimonialibus sitis per Asianam diocesim, sitis per Ponticam . . . lex divinae memoriae Constantini, quae aedes per Constantinopolitanam urbem sacratissimam dominos exigebat. For the corn doles see pp. 696-7.

15. For the dates of the proclamation of the Caesars see *Chron. Min.* i. 232, 234-5. Crispus' rule in Gaul is clearly proved by Pan. Lat. iv. 3, 17, 36-7 (the speech was delivered in 321). Constantine Caesar's Gallic command is attested only by his title Alamannicus, which he held by 331 (*ILS* 6091); his Danubian command by Anon. Val. 31. Constantius' rule in Gaul is proved by Julian, *Or.* i. 11d, 12a, and his transfer to the East by *ibid.* 13b. For the later divisions of the empire see Eutrop. x. 6, eo tempore res Romana sub uno Augusto et tribus Caesaribus, quod numquam alias, fuit, cum liberi Constantini Galliae, Orienti Italiaeque praessent, Anon. Val. 35, ita ut Gallias Constantinus minor regebat, Orientem Constantius, Africam Illyricum et Italiam Constans, ripam Gothicam Dalmatius tuebatur, *Epit. Caes.* xli. 20, hi singuli has partes regendas habuerunt: Constantinus iunior cuncta trans Alpes, Constantius a freto Propontidis Asiam atque Orientem, Constans Illyricum Italiamque et Africam, Dalmat[ius] Dac[iam], Thraciam, Macedoniamque et Achaïam.

16. CONSTANTINE'S LETTER TO SAPOR: Eus. *V. Const.* iv. 9-13. On Hannibalianus see *Klio* XXIX (1936), 102 ff.

17. For the beginning of the Arian controversy see *Hist. de l'Église*, III. 69-81. The documents are published in H. G. Opitz, *Athanasius Werke*, III. i. nos. 1-16.

18. CONSTANTINE'S LETTER TO ALEXANDER AND ARIUS: Eus. *V. Const.* II. 64-72. THE COUNCIL OF ANTIOCH: Opitz, *op. cit.* no. 18; that Hosius presided is demonstrated by H. Chadwick, *JTS* 1958, 292-304.

19. Opitz, *op. cit.*, no. 20.

20. For the council of Nicaea see *Hist. de l'Église*, III. 81-95. Constantine's responsibility for the homoousion is demonstrated by Eusebius' letter to the church of Caesarea (Soc. i. 8, Theod. *HE* i. 12, Gelasius, II. 35).

21. THE MELITIANS: Ath. *Dechr. Nic.* 36, Soc. i. 9, Theod. *HE* i. 9, Gelasius, II. 34. THE NOVATIANS AND PAULIANISTS: C. *Nic.* can. 8, 19. THE LAPSED: C. *Nic.* can. 11, 12. EASTER: Eus. *V. Const.* III. 17-20, Soc. i. 9, Theod. *HE* i. 10, Gelasius, II. 37. On the organization of the church see pp. 880 ff.

22. The quotation is from Constantine's letter to the church of Alexandria (Ath. *Dechr. Nic.* 38, Soc. i. 9, Gelasius, II. 37). EDICT AGAINST HERETICS: Eus. *V. Const.* III. 64-5. THE NOVATIANS: *CTb* XVI. v. 2, 326. CONSTANTINE AND ARIUS: Soc. i. 25-6, Soz. II. 27. I follow E. Schwartz, *Nachr. Ges. Gött. Wiss.* 1911, 380 ff. in postulating a second session of Nicaea, to which Eusebius and Theognis addressed a letter preserved in Soc. i. 14, Soz. II. 16, Gelasius, III. 13.

23. For this very obscure period see *Hist. de l'Église*, III. 97-113. In general I follow the version of E. Schwartz in *Nachr. Ges. Gött. Wiss.* 1911, 367-426,



to whose documentation must be added *P. Lond.* 1913-4 (published by H. I. Bell, *Jews and Christians in Egypt*) on the abortive council of Caesarea.

24. IMMUNITY OF THE CLERGY: Eus. *HE* x. 7, *CTh* xvi. ii. 1, 313, 2, 313 (S), 7, 330, Opt. *App.* x. 37a; limited by *CTh* xvi. ii. 6, 326, 3, 326 (S).

25. GRANT TO CAECILIAN: Eus. *HE* x. 6. For later regular grants see pp. 898-9.

26. SUBSIDY FOR BUILDING CHURCHES: Eus. *V. Const.* ii. 46. ROME AND ITALY: *Lib. Pont.* xxxiv. CIRTA: Opt. *App.* x.

27. THE HOLY PLACES: Eus. *V. Const.* iii. 25-43, 51-4. At Constantinople Socrates (i. 16) mentions S. Irene and the Holy Apostles but curiously omits S. Sophia. NICOMEDIA AND ANTIOCH: Eus. *V. Const.* iii. 50.

28. RENTALS OF CHURCH LANDS: *Lib. Pont.* xxxiv. BEQUESTS TO THE CHURCH LEGALIZED: *CTh* xvi. ii. 4, 321.

29. MANUMISSION: *CTh* iv. vii. 1, 321. EPISCOPAL JURISDICTION: *Sirm.* 1, 333.

30. CONSTANTINE'S SERMONS: Eus. *V. Const.* iv. 29. PROPAGANDA IN THE ARMY: *ibid.*, iv. 18-21.

31. ABLABIUS' HUMBLE ORIGIN: *Lib. Or.* xlii. 23, Eunap. *V. Soph.* vi. 3; a Christian, Ath. *Fest. Ep.* iv, 332 (PG xxvi. 1379), *Sirm.* 1, 333. JOSEPH: Epiph. *Adv. Haer.* xxx. 11-12. ORCISTUS: *ILS* 6091, quibus omnibus quasi quidam cumulus accedit quod omnes ibidem sectatores sanctissimae religionis habitare dicuntur. MAIOUMA: Soz. ii. 5, v. 3, Eus. *V. Const.* iv. 38. ANTARADUS: Soz. ii. 5, Eus. *V. Const.* iv. 39, Hierocles, 716. 6-7, *A.C.Oec.* ii. v. 44. INTERESTED CONVERSIONS: Eus. *V. Const.* iv. 54.

32. I have argued my case for Constantine's changing attitude to paganism in *Atti del X Congresso Internazionale di Scienze Storiche* (1955), 267-71. EDICT OF TOLERATION: Eus. *V. Const.* ii. 48-60. CONSTITUTION OF CONSTANS: *CTh* xvi. x. 2, 341. This constitution implies that Constantine's law had become a dead letter, in the West at any rate, as does Firmicus Maternus' appeal to Constantine's sons to abolish the pagan cult (*de Errone Profanarum Religionum*, 16, 24), which may have provoked Constans to action.

33. DEMOLITION OF THE THREE TEMPLES: Eus. *V. Const.* iii. 55-6, 58, Soc. i. 18, Soz. ii. 5. CONFISCATION OF TEMPLE TREASURES: Eus. *V. Const.* iii. 54; *Laud. Const.* 8, *Lib. Or.* xxx. 6, 37, lxii. 8, Julian, *Or.* vii. 228b, Anon. *de rebus bell.* ii. 1; the date is given as 331 in Jerome's Chronicle (edicto Constantini gentili-um templa subversa sunt). For the temple lands see p. 416.

34. CELIBACY: *CTh* viii. xvi. 1, 320, Eus. *V. Const.* iv. 26. ABDUCTION: *CTh* ix. xxiv. 1, 320 (S). DIVORCE: *CTh* iii. xvi. 1, 331. BASTARDS: *CTh* iv. vi. 2, 336. GLADIATORS: *CTh* xv. xii. 1, 325, Eus. *V. Const.* iv. 25. ALIMENTARY GRANTS: *CTh* xi. xxvii. 1, 315, 2, 322.

35. For Constantine and the Jews see pp. 944 ff.

36. The three quotations are from Eus. *V. Const.* ii. 28; Pan. Lat. xii. 2; Eus. *Laud. Const.* 1 ad fin.

37. *ILS* 705, aedem quoque Flaviae, hoc est nostrae, gentis ut desideratis magnifico opere perfici volumus, ea observatione perscripta, ne aedis nostro nomini dedicata cuiusquam contagiosae superstitionis fraudibus polluat, cf. Aur. Victor, *Caes.* xl. 28, tum per Africam sacerdotium decretum Flaviae genti.

38. The quotation is from Opt. *App.* vii.

39. Constantine's letter to Pope Miltiades (Eus. *HE* x. 5 §§18-20) reads very

much like an instruction to a delegate judge, and from his letter to Chrestus, bishop of Syracuse (*ibid.* §§21-2), it appears that he chose the members of the council of Arles. From *Eus. V. Const.* III. 59 and 62 it appears that two imperial *comites* attended the council of Antioch. The *comes* Dionysius was in charge of the council of Tyre (*Eus. V. Const.* IV. 42, *Ath. Apol. c. Ar.* 72, 78-81); for his officials see *Ath. Apol. c. Ar.* 8, *πῶς δὲ ἀνὸδον ὀνομάζειν τολμῶσι, ἤς κόμης προῦκάθητο καὶ παρὴν σπεκουλάτωρ καὶ κομεντάριος ἡμᾶς εἰσήγγεν ἀντὶ διακόνων τῆς ἐκκλησίας.*

40. ARLES: *Opt. App.* v. NICAEEA: *Soc. I.* 9, *Eus. V. Const.* III. 20. JERUSALEM: *Ath. Apol. c. Ar.* 84, *de Synodis*, 21. ANTIOCH: *Eus. V. Const.* III. 60-2.

41. *C. Ant.* can. 11, 12. These canons, traditionally ascribed to the Council of the Encaenia in 341, were enacted by the earlier council of Antioch, held not long after Nicaea, described by Eusebius in *V. Const.* III. 60-2 (see *Nachr. Ges. Gött. Wiss.*, 1911, 389-400, *JTS* 1948, 27-35).

42. THE MAGISTRI MILITUM: *Zos.* II. 33. Of the earliest *magistri* known Flavius Sallustius, *magister peditum*, was consul in 344 with Flavius Leontius, praetorian prefect, as his colleague (*Chr.* I. 464); Flavius Sallia, *magister equitum*, was consul in 348 with Flavius Philippus, praetorian prefect (*BGU* 405), while in 347 Vulcacius Rufinus, praetorian prefect, was colleague of Flavius Eusebius, who in 360 is styled 'ex consule et ex magistro equitum et peditum' (*CTb* XI. i. 1). COMITATENSES: *Zos.* II. 34, *CTb* VII. xx. 4, 325.

43. DIVITENSES AND TUNGRICANI: *Not. Dig. Occ.* v. 147-8, *Amm.* XXVI. vi. 12, XXVII. i. 2 (365), *ILS* 2346, Val. Genialis miles legionis secunde Divitensium Italice (tomb at Rome), 2777, Florio Baudioni, viro ducenario, protectori ex ordinario leg. II Ital. Divit. . . . Val. Vario optio leg. II Italice Divit. (tomb at Spolegium); it is a plausible conjecture that these soldiers from the Rhine died in Italy having come there in Constantine's army.

44. See App. II, Table VIII.

45. *Pan. Lat.* XII. 3, vix enim quarta parte exercitus contra centum milia armatorum hostium Alpes transgressus es. The same author (*ibid.* XII. 5) states that Constantine's army was under 40,000. The only other figures available are those of Zosimus (II. 15), who assigns 98,000 to Constantine and 188,000 (of which 80,000 in Italy) to Maxentius. If these figures are of any value, they must represent the total forces of either party. The orator's 100,000 for Maxentius' army of Italy would then be a pardonable exaggeration of 80,000, and Constantine's expeditionary force would have been well under 40,000 (or he used over a quarter of his troops).

46. BONITUS: *Amm.* xv. v. 33, licet patris quoque Boniti praetenderet fortia facta, Franci quidem, sed pro Constantini partibus in bello civili acriter contra Licinianos saepe versati. BARBARIAN CONSULS: *Amm.* XXI. x. 8, tunc et memoriam Constantini, ut novatoris turbatorisque priscarum legum et moris antiquitus recepti, vexavit, cum aperte incusans quod barbaros omnium primus adusque fasces auxerat et trabes consulares; insulse nimirum et leviter, qui cum vitare deberet id quod infestius obiurgavit brevi postea Mamertino in consulatu iunxit Nevittam nec splendore nec usu nec gloria horum similem quibus magistratum amplissimum detulerat Constantinus. These German consuls cannot be identified and must have taken Roman names.

47. LEGIONS IULIA ALPINA: *Not. Dig. Occ.* v. 248, 257-8 (= VII. 35, 34, 60). GALLIA RIPARENSIS: *Not. Dig. Occ.* XLII. 13-17. LEGION IULIA ALEXANDRIA: *Not. Dig. Or.* VIII. 51. For dynastic titles of the Flavian house in the frontier units see App. II, Tables X-XII.

48. See App. II, Table XII.

49. *CTh* VII. xiii. 7, 375, and VII. xiii. 1; the latter is one of the laws addressed *ad praefectos praetorio* discussed above in n. 2. CONSTANTINE'S GOTHIC AND SARMATIAN WARS: Anon. Val. 31-2.

50. On the relation of the *magistri* and *duces* see pp. 375-6. ABOLITION OF THE PRAETORIAN GUARD: Aur. Victor, *Caes.* xl. 25, Zos. II. 17. PRAETORIAN PREFECTS LOSE MILITARY FUNCTIONS: Zos. II. 33; for recruitment, *annonae* and the *fabricae* see ch. XII, nn. 8, 14, and for combined military and civil commands see p. 373. THE DUX OF EGYPT: *ILS* 701.

51. Zos. II. 33. Constantine's prefects have been the subject of a vast controversy, summarized (with references to the earlier literature) by Ensslin in *PW* xxii. 2428-31, but the evidence, mainly laws whose dates are dubious, is to my mind too tenuous to justify any but the most tentative conclusions. That there were only two prefects, Petronius Annianus (Constantine) and Julius Julianus (Licinius), between 313 and 317 is proved by *ILS* 8938 and Opt. App. VIII.; the same pair still hold office without a third colleague in *AE* 1938, 85, which is dedicated to a Caesar (probably Crispus in the original version); but perhaps Crispus was not given a command and assigned a praetorian prefect directly he was proclaimed Caesar.

52. Menander is connected with Africa by *CTh* IV. xiii. 3, 321 (mention of Legio III Augusta), XI. xxvii. 2, 322 (proconsules praesidesque et rationales per universam Africam), cf. VIII. v. 4, 320 (S), super qua re proconsules, rectores provinciarum, praefectos vehiculorum adque omnes qui cursui publico praesunt admoneri conveniet. ARADIUS PROCULUS: *ILS* 1240-1. Felix is styled praetorian prefect in *CTh* XII. i. 21, 335 (complaints of *Afri curiales*), *Sirm.* 4, 336 (posted at Carthage, to instruct governors 'per diocesim sibi creditam'); he is addressed without title in XIII. iv. 1, 334 (posted at Carthage, acting 'in provinciis Africanis'), v. 6, 334 (posted at Carthage). Gregorius is addressed as praetorian prefect in XI. i. 3, 336, and without title in IV. vi. 3, 336 (read at Carthage; reference to *gynaecium* of Carthage); he was addressed by Donatus as 'Gregori, macula senatus et praefectorum' (Opt. III. 3). There are no other clear indications that a praetorian prefect was responsible for a region, for in *CTh* XI. xxvii. 1, Ablabius, who is instructed to take action 'per omnes civitates Italiae', is not styled *PPO* and may well have been a vicar or *comes*.

53. INSCRIPTION OF TUBERNUS: *AE* 1925, 72; literature cited in *PW* xxii. 2430. TIBERIANUS: Jerome, *Chron.*, Tiberianus . . . praefectus praetorio Gallias regit (A.D. 336). PACATIANUS: *CTh* XIV. iv. 1, 334 (on the *suarii* of Rome), VIII. ix. 1, 335 (on the *decuriae* of Rome). ABLABIUS: *ILS* 6091 (foundation of Orcistus, c. 326), Zos. II. 40 (killed at Constantinople in 337), Eunap. V. *Soph.* VI. 3 (*PPO* of Constantius). Gregorius is last recorded in *CTh* III. i. 2, 4 Feb. 337. EVAGRIUS: *CTh* XII. i. 22, 336; there is no evidence to indicate where he functioned at this date.

54. AUXENTIUS: Suidas, s.v. Ἀὐξέντιος. MARIANUS: Eus. V. *Const.* IV. 44 (Index). For the notaries see pp. 572 ff.

55. HERACLIANUS: *CTh* XVI. x. 1, 320. PROCULEIANUS: *CTh* XI. ix. 1, 323. MARTINIANUS: Joh. Lydus, *Mag.* II. 25, *Epit. Caes.* xli. 6. For the functions of the *magister officiorum* see ch. XII, nn. 6-8.

56. AGENTES IN REBUS: Aur. Victor, *Caes.* xxxix. 44-5, *CTh* VI. xxxv. 3 §3, 319. The *curiosus* of Egypt: Ath. *Apol.* c. Ar. 75. On the organization and functions of the *agentes in rebus* see pp. 578 ff.

57. QUAESTOR: Zos. v. 32. The earliest known are Montius, Gallus' quaestor in 353 (Amm. xiv. vii. 12, Soc. ii. 34, Soz. iv. 7, Philostorgius, iii. 28), and Taurus, quaestor to Constantius II in 354 (Amm. xiv. xi. 14, *AE* 1934, 159, v.c. Tauro comiti ordinis primi quaestori sacri palatii). For the duties of the office see ch. XII, n. 3.

58. PRIVILEGES OF PALATINI: *CTh* vi. xxxv. 1, 314 (*munera sordida et personalia*), 3, 319 (*munera* and the *curia*), 4, 321 (*munera sordida*), xxxvi. 1. 326 (S) (*peculium castrense*). These privileges were retained if *palatini* were promoted to *dignitates* (*CTh* vi. xxxv. 2, 319, 3, 319, 5, 328). For the grades in the palatine offices see p. 584.

59. On the *comitiva* see pp. 333-4. Eusebius speaks of the three orders (*V. Const.* iv. 1), κομήτων δ' οἱ μὲν πρῶτον τάγματος ἡξιοῦντο, οἱ δὲ δευτέρου, οἱ δὲ τρίτου, and the titles first appear on inscriptions of Constantine's reign. *CTh* xii. i. 26, 338, speaks of 'ex comitibus cuiuslibet ordinis . . . honorarios'.

60. See pp. 333-4, 412, 427.

61. The *comites* Acacius and Strategius were in charge of the council of Antioch (Eus. *V. Const.* iii. 62) and the *comes* Dionysius presided at Tyre (Ath. *Apol. c. Ar.* 78-81). For the general functions of *comites provinciarum* see *CTh* i. xvi. 6, 331, praefectis praetorio et comitibus qui per provincias constituti sunt provincialium nostrorum voces ad nostram scientiam referentibus, 7, 331, conquerendi vocem omnibus aperimus apud comites provinciarum aut apud praefectos praetorio, cf. xi. xxx. 16, 331, for appeals 'a proconsulibus et comitibus et his qui vice praefectorum cognoscunt'. The constitutions addressed to them deal with a great variety of legal and administrative topics. OCTAVIANUS: *CTh* ix. i. 1, 316, xii. i. 4, 317. TIBERIANUS: *CTh* xii. v. 1, 325 (S), i. 15, 327, *CJ* vi. i. 6, 332. SEVERUS: *CTh* viii. xii. 5, xi. xxxix. 2, 333, viii. xviii. 3, 334, *AE* 1935, 4. ACACIUS: *CTh* xi. iii. 2, 327. TERTULLIANUS: *CTh* ii. xxvi. 1, 330. LOLLIANUS: *ILS* 1224; Firmicus Maternus (*Math.* I, *proem* 7) proves that he held the office under Constantine. The origins of the *comitiva Orientis* are obscure. Glanville Downey (*A study of the Comites Orientis and the Consulares Syriae*, diss. Princeton, 1939) puts faith in Malalas, 218-9, who dates the establishment of the office on a permanent footing very precisely in 335, and regards the *comes* as a deputy of the praetorian prefect for the supply of the eastern army. Against this view of his functions may be set the fact that he had no *cura epistularum* but did have an *a libellis* (*Not. Dig. Or.* xxii. 40), which suggests he originally had no financial functions, but did handle complaints of the provincials (see p. 593). There is no certain holder of the office earlier than Malalas' Felicianus (Lollianus may well have been his successor). The *comes* Acacius who was present at the council of Antioch and was directed to destroy the pagan temple of Mamre (Eus. *V. Const.* iii. 52-3, 62) may, as Downey suggests, have been a special commissioner for religious affairs. The latest known *vicarii Orientis* are Dracilianus (Eus. *V. Const.* iii. 31, *CTh* ii. xxxiii. 1, 325) and Maximus (*CTh* xii. i. 12, 325, *CJ* xi. i. 1). The earliest *comes rei militaris* known to us is Gratian, the father of Valentinian I (see ch. IV, n. 26).

62. Most of the Constantinian *comites* known to us were senators (e.g. *ILS* 1213, 1216-8, 1223, 1227-8; *AE* 1935, 4), but three *comites provinciarum* were *perfectissimi*, Tertullianus (*CTh* ii. xxvi. 1) and Acacius and Strategius (Eus. *V. Const.* iii. 62), and Caelius Saturninus became a *comes* before being adlected to the senate (*ILS* 1214). The lower grades of the *comitiva* were always open to non-senators. On the patriciate see ch. XV, n. 28.

63. Eus. *V. Const.* iv. 1. SATURNINUS: *ILS* 1214. NONIUS VERUS: *ILS* 1218.

64. SENATORS AS PRAEFECTI ANNONAE AND VIGILUM: *ILS* 700, 707; AS PRAESIDES: *ILS* 1240, 6111, 5699, *CIL* II. 2635. For the title *consularis* see *JRS* XLIV (1954), 27-8. CONSULARIS AQUARUM ETC.: *ILS* 1223-4. PROCONSUL OF ACHAEA: *ILS* 1217, C. Vettio Cossinio Rufino c.v. praefecto urbi, comiti Augg. nn., corr. Camp., corr. Tusciae et Umbriae, corr. Venitiae et Histriae, cur. alvei Tiberis et cloacarum sacrae urbis, cur. viae Flaminiae, proconsuli provinciae Achaiae sortito, pontifici dei Solis, auguri, salio Palatino, ordo populusque Atinas quod in correctura eius, quae sevissimam tyrannidem incurrerat, nullam iniuriam sustinuerit, patrono dignissimo, Firm. Mat. *Math.* II. 29, de exilio raptus in administrationem Campaniae primum destinatus est, deinde Achaiae proconsulatum, post vero ad Asiae proconsulatum et praefecturam urbi Romae (referring to the same man). From the inscription it appears that Rufinus was *corrector Campaniae* (in which Atina lay) under Maxentius. He was prefect of the city from 20 Aug. 315 to 4 Aug. 316 (*Chron. Min.* I. 67), having previously been proconsul of Achaea. This office he can only have held between Constantine's final victory over Licinius late in 314 and August 315. Firmicus Maternus omits the Italian offices held, probably under Constantine, between the correctorship of Campania and the proconsulate of Achaea, and adds, evidently out of order, the proconsulate of Asia. This he cannot have held before 324; it is odd that he should have held a second proconsulate after his prefecture of the city, but it was no doubt an emergency post-war appointment. Cf. *CIL* III. 6103, *IG* V. i. 538, *BSA* XXIX. 53, no. 80, for earlier *correctores*. Constantine probably also created a fourth proconsulate at Constantinople (see above, n. 13).

65. ARADIUS PROCULUS: *ILS* 1240. SEPTIMIUS ACINDYNUS: *CIL* II. 4107. MAESIUS LOLLIANUS: *ILS* 1224. Proculus and Lollianus were evidently from the Roman magistracies and priesthoods which they held of established senatorial families. Acindynus, later praetorian prefect of the East in 335 and consul in 340, owned a villa at Bauli in Campania (Symm. *Ep.* I. 1).

66. *CTh* XI. iii. 2, 327, Acacio comiti Macedoniae; as all other *comites provinciarum* ruled dioceses, this must mean that Macedonia was by now a separate diocese. For the amalgamation of provinces see *JRS* XLIV (1954) 21 ff. and *App.* III.

67. COMPULSORY PURCHASE OF GOLD: *P. Beatty Panop.* 2, lines 215-21, *P. Oxy.* 2106. GOLD AND SILVER SURCHARGES: *P. Oxy.* 1653, *P. Merton*, 31, *P. Cairo*, 57049 (*Chron. d'Égypte*, 1952, 247), *P. Thead.* 33, *CTh* XI. ix. 2, 337, si quis fundum vel mancipia ob cessationem tributorum vel etiam ob vestium auri argentique debitum quae annua exactione solvuntur occupata . . . comparaverit. GOLD RENT ON IMPERIAL LAND: *CTh* XI. xvi. 1, 318 (S), XII. vi. 2, 325.

68. For the confiscation of the temple treasures see above, n. 33. The quotation is from Anon. *de rebus bell.* II. 1.

69. For the amalgamation of *capitatio* and *iugatio* see *JRS* XLVII (1957), 88-94. STIPENDIUM ET DONATIVUM IN DENARI: *P. Oxy.* 1047. WHEAT PRICES: *Ed. Diocl.* I. 1, *P. Lond.* 1914, *P. Oxy.* 85. GOLD PRICES: *P. Oxy.* 1430, *PER* 187, 37, *SPP* XX. 96, 81 (in ascending order of price).

70. GOLD PAYMENT TO NAVICULARII: *CTh* XIII. v. 7, 334. For later commutation see pp. 460-1.

71. *Epit. Caes.* xli. 16, decem annis praestantissimus, duodecim sequentibus latro, decem novissimis pupillus ob profusiones immodicas nominatus; Eutrop. x. 7. sicut in nonnullos amicos dubius, ita in reliquos egregius, nihil occasio-



num praetermittens quo opulentiores eos clarioresque praestaret; Eus. *V. Const.* iv. 1, οὐδέ τις ἐλλείσας ἀγαθῶν τυχεῖν τοῦ προσδοκηθέντος ἡστόχησεν, ἀλλ' οἱ μὲν χρημάτων οἱ δὲ κτημάτων περιουσίας ἐτύγχανον, cf. iv. 54; Amm. xvi. viii. 12, namque ut documenta liquida prodiderunt proximorum fauces aperuit primus omnium Constantinus, sed eos medullis provinciarum saginavit Constantius.

72. LICINIUS' FISCALITY: Eus *HE* x. 8 §12, *V. Const.* i. 55, Aur. Victor, *Caes.* xli. 3, *Epit. Caes.* xli. 8-10, and especially Julian, *Or.* i. 8b, ἐπεὶ δὲ πάντων κύριος κατέστη (sc. Constantine), ὥσπερ ἐξ αὐχμοῦ τῆς ἀπληστίας τοῦ δυναστεύσαντος (sc. Licinius) πολλῆς ἀπορίας χρημάτων οὐσίας καὶ τοῦ πλούτου τῶν βασιλείων ἐν μυχοῖς συνεληλαμένου, τὸ κλειῖθρον ἀφελὼν ἐπέκλυσεν ἀθρόως τῷ πλούτῳ πάντα. For the temple treasures see above, n. 33, and for the *collatio lustralis* and *glebalis*, pp. 431-2.

73. The civic *vectigalia* had certainly been confiscated by the end of Constantius II's reign, since Julian restored them (Amm. xxv. iv. 15, vectigalia civitatibus restituta cum fundis). I am inclined to assign their confiscation to Constantine because the *largitionales urbium singularum* first appear in his reign (*CTh* vi. xxxv. 3, 319), for it is hard to see why *largitionales* should have been required in individual cities except to manage the local *vectigalia*. It also seems probable that *CTh* iv. xiii. 1, 321, refers to the civic *vectigalia*, since no other *vectigalia* are likely to have existed in the province of Aemilia and in *CTh* iv. xiii. 2 and 3, 321, local *octroi* dues in Africa appear to be under imperial control. For the later history of the civic *vectigalia* see pp. 732-3. INCREASE OF THE INDICATION: Them. *Or.* viii. 113c.

74. For death bed baptism see pp. 980-1.

#### IV. THE HOUSE OF CONSTANTINE (pp. 112-115)

The sons of Constantine have not attracted biographers, but Julian has inspired many, the best of which is J. Bidez, *La vie de l'empereur Julien*, Paris, 1930. There is also a useful collection of sources for his reign, J. Bidez and F. Cumont, *Juliani Imperatoris epistulae et leges*, Paris, 1922.

1. Zos. ii. 40-1, Eutrop. x. 9. For the date of the proclamation of the three Augusti, see *Chron. Min.* i. 235.

2. Zos. ii. 42-5, Eutrop. x. 9, Aur. Victor, *Caes.* xli. 22-5, xlii. 1-9, *Epit. Caes.* xli. 22-5, xlii. 1-3. MAGNENTIUS A LAETUS: Julian, *Or.* i. 34a, τῆς ἀπὸ Γερμανῶν λείας λείψανον.

3. Zos. ii. 51-2, Eutrop. x. 12, *Epit. Caes.* xlii. 4-8.

4. LAWS AGAINST SACRIFICE: *CTh* xvi. x. 2, 341, 5, 353, 4, 356 (S), 6, 356. CLOSURE OF TEMPLES: *CTh* xvi. x. 4, 356 (S). DEMOLITION OF TEMPLES: *CTh* xvi. x. 3, 342 (S), Lib. *Or.* lxii. 8, ὁ μὲν γὰρ (sc. Constantine) ἐργύμνωσε τοῦ πλούτου τοὺς θεοὺς, ὁ δὲ (sc. Constantius II) καὶ κατέσκαψε τοὺς ναοὺς, *Ep.* 724. THE ALTAR OF VICTORY: Amb. *Ep.* 18 §32.

5. *Hist. de l'Église*, iii. 115-21.

6. *Ibid.* iii. 123-30.

7. *Ibid.* iii. 135-6.

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8. THE JEWISH REVOLT: Soc. II. 33, Soz. IV. 7. THE ISAUURIANS: Amm. XIV. II. ANTIOCH: Amm. XIV. VII. 1-6. THE FALL OF GALLUS: Amm. XIV. VII. 9 ff., XI. SILVANUS: Amm. XV. V.

9. JULIAN CAESAR: Amm. XV. VIII. 1-17.

10. *Hist. de l'Église*, III. 142-50.

11. *Ibid.* III. 150-76.

12. PRIVILEGES OF THE CLERGY: *CTh* XVI. II. 8, 343, 10, 346 (S), 14, 356 (S), 15, 359. Lands belonging to the church seem to have been allowed immunity by the last law. This interpretation is supported by *CTh* XI. I. 1, 360 (S), where church lands again appear to be immune from regular taxation.

13. The immunity of the clergy from the *curia* is reaffirmed in *CTh* XVI. II. 11, 342 (S) by Constantius and in law 9 (349) by Constans. The new rule of the surrender of property is first mentioned in *CTh* XII. I. 49, 361, which modifies an earlier enactment which has not survived.

14. Amm. XVII. III.

15. Amm. XVI. V. 14, 15.

16. Amm. XX. IV, V, VIII, IX, XXI. V, VIII, IX, X, XV.

17. TOLERATION FOR HERETICS: Bidez and Cumont, *op. cit.* nos. 43-5. STATE GRANTS TO CHURCHES STOPPED: Soz. V. 5, Theod. *HE* I. 11, IV. 4. IMMUNITY OF CLERGY CANCELLED: *CTh* XII. I. 50, 362, Julian, *Ep.* II. PAGAN CULT RESTORED: Bidez and Cumont, no. 42. The restoration of the temple lands is to be inferred from *CTh* V. XIII. 3, X. I. 8, 364.

18. SACRIFICE AT PAY PARADES: Greg. Naz. *Or.* IV. 82-4. THE IMPERIAL PORTRAIT: *ibid.* 80-1. LAVISH SACRIFICES: Amm. XXV. IV. 17.

19. HIGH PRIESTS: Julian, *Frag. Ep.*, *Ep.* 49, 62, 63.

20. PROFESSORS: Julian, *Ep.* 42, Amm. XXII. X. 7, XXV. IV. 20, Greg. Naz. *Or.* IV. 100 ff. THE APOLLINARES: Soc. III. 16, Soz. V. 18.

21. ALEXANDRIA: Julian, *Ep.* 10, Amm. XXII. XI. 3-11, Soc. III. 2 and 3, Soz. V. 7. ARETHUSA: Greg. Naz. *Or.* IV. 88-91, Soz. V. 10. GAZA: Soz. V. 9. MERUS: Soc. III. 15, Soz. V. 11. CAESAREA: Soz. V. 4. EDESSA: Julian, *Ep.* 43.

22. TEMPLES: Lib. *Ep.* 724, 757, 763, 819, 1364.

23. Greg. Naz. *Or.* IV. 57 ff.

24. PURGE OF THE COMITATUS: Amm. XXII. IV, Lib. *Or.* XVIII. 130 ff., cf. II. 58; *CTh* VI. XXIV. 1, 362, and XXVII. 2, 363, imply reductions in the *protectores* and *agentes in rebus*. CURSUS PUBLICUS: Lib. *Or.* XVIII. 143-5, *CTh* VIII. V. 12-16, 362-3. CURIAE: Amm. XXII. IX. 12, XXV. IV. 21, Lib. *Or.* XVIII. 146-8, *CTh* XII. I. 52-4, 362.

25. For the *magistri militum* of this period see Ensslin, *Klio*, XXIV (1931), 102 ff. The names known to us are few, but under Constans in the West we have Flavius Sallustius (344) followed by Vetrano (350) as *magister peditum*, and Flavius Sallia as *magister equitum* (348), and under Constantius in the East Eusebius as *magister equitum* and *peditum* (successively?) and Hermogenes (342) and Bonosus (347) as *magister equitum*. HERMOGENES IN THRACE: Soc. II. 13, Soz. III. 7.

26. GRATIAN: Amm. XXX. VII. 2, comes praefuit rei castrensi per Africam, unde furtorum suspicione contactus digressusque multo postea pari potestate Britannum rexit exercitum. His commands may perhaps be associated with

the Donatist disorders in Africa, and the troubles in Britain implied by Amm. xxvii. viii. 4, xxviii. iii. 8. The significance of the title *comes rei militaris* is obscure. It evidently covered a wide range of commands. In Ammianus we meet with *comites* who command all the troops of a diocese, such as Marcianus (xxi. xii. 22, dispersum per Thraciam militem contra vim subitam cito coactum adventare Succorum confinia, comite Marciano ducente), Julius (xxvi. vii. 5, Iulius comes per Thracias copiis militaribus praesidens) and Lupicinus (xxx. iv. 9) in Thrace, and Equitius in Illyricum (xxvi. v. 2, tunc et Equitius Illyricano praeponitur exercitui nondum magister sed comes): Lucillianus, whom Ammianus calls 'comes qui per illas regiones rem curabat castrensem, agensque apud Sirmium', he later styles *magister equitum* (xxi. ix. 5 and 7) and the rank of Januarius ('curantem summitatem necessitatum castrensium per Illyricum') is not stated (xxvi. i. 5). Prosper *comes* acts *pro magistro equitum* in command of the army of the East (xiv. xi. 5, xv. xiii. 3). In Julian's Persian expedition the *comites* Procopius and Sebastian command a force of 30,000 men (xxiii. iii. 5, xxvi. vi. 2). These are important officers, ranking very little below *magistri*. At the other end of the scale we have the *comes Severinus*, 'qui apud Cabillona Divitensibus praesidebat et Tungricanis' (xxvii. i. 2), and several *comites* in charge of such a relatively minor operation as the siege of Aquileia (xxi. xii. 3).

These *comites rei militaris*, whose responsibility varies so greatly, have one feature in common, that they command *comitatenses*. Some of the later *comites* recorded in the Notitia fall into the same pattern. Those of Spain, Illyricum and Britain (*Not. Dig. Occ.* vii. 40, 118, 153, 199) were certainly commanders of regional groups of *comitatenses*, like the earlier *comites* of Thrace and Illyricum, and so too no doubt were the mysterious *comes Italiae* and *comes Argentoratensis* (see App. II). But in the Notitia we find two other types of *comes rei militaris*. The *comes Tingitaniae* commands both the local *limitanei* and also regiments of *comitatenses* (*Not. Dig. Occ.* vii. 135, 206, xxvi) and so does the *comes Africae* (ibid. vii. 140, 179, xxv: in my view most of his *comitatenses* are upgraded *limitanei* but they include some genuine regiments of the field army, nos. 141-5, see App. II). Finally there are three *comites rei militaris*, those of the Saxon shore, Isauria and Egypt (*Not. Dig. Occ.* xxviii, Or. xxviii, xxix), who command *limitanei* only and appear to differ from *duces* only in title; the superior rank of the first two is particularly anomalous as they command very small forces.

I would suggest that *comites rei militaris* of the mixed type (Africa and Tingitania) arose from the reinforcement of a local army of *limitanei* by *comitatenses* to meet an emergency. The *dux* might then be superseded temporarily by a *comes*, or alternatively the *dux* might be, also temporarily, given the higher rank of *comes*.

We may perhaps trace this development in Isauria. The *comes* Castricius operating against the Isaurian rebels in 353 (Amm. xiv. ii. 14) probably had *comitatenses* under his command as well as the local troops (xiv. ii. 20). Later in 359 'Lauricius adiecta comitis dignitate missus est rector' to Isauria (xix. xiii. 2, cf. ILS 740, Bassidius Lauricius v.c. com. et praeses; he is called ὁ τῶν κατ' Ἰσαυρίαν στρατιωτῶν ἡγούμενος in Soc. II. 39). I would conjecture that before the Isaurian revolt the (*dux et*) *praeses* of the province had commanded the local garrison of *limitanei*, that to suppress the revolt a *comes rei militaris* with reinforcements of *comitatenses* took over, and after this the (*dux et*) *praeses* retained some regiments of the field army and was given the additional title of *comes*.

Some of these emergency commands were transitory. In 368 we meet with 'Charietto tunc per utramque Germaniam comes' (Amm. xxvii. i. 2) but such a command never appears later. Gratian's *comitiva* in Britain seems to have

lapsed by 368, for no *comes Britanniarum* is mentioned in Amm. xxvii. viii. 1, to be later revived (*Not. Dig. Occ.* xxix). Gratian's other post of *comes Africae* became permanent (*CTb* vii. i. 4, cf. Amm. xxi. vii. 4, for Cretio in 351, and *CTb* viii. vii. 13, Amm. xxvii. ix. 1, for Romanus). Here, as we have seen, the local army was stiffened with *comitatenses*. In Isauria the change was not permanent, for in 382 there was a *dux et praeses Isauriae* (*CJ* ix. xxvii. 1; the text in *CTb* ix. xxvii. 3, which gives *Sardiniae* for *Isauriae*, is surely corrupt). In the *Notitia* he is styled *comes rei militaris per Isauriam et praeses*, but evidently had recently been a *dux* (*Not. Dig. Or.* xxix. 6 and 18), and after this the title *comes* appears to become fixed (*CJ* xii. lix. 10, 466, Just. *Nov.* xxvii. 535). The variation in the title suggests that it had some real significance, and it is a possible explanation that the commander in Isauria lost the rank of *comes* because the reinforcements from the *comitatus* were withdrawn, and regained it when they returned; in the absence of a *Distributio Numerorum* for the East we cannot say whether the *comes Isauriae* at that time commanded any *comitatenses*.

There is a similar variation of title in Egypt. The *dux Aegypti* became a *comes* between 384 and 391 (*CTb* xi. xxx. 43, xvi. x. 11). He remained a *comes* until 466 (*CJ* xii. lix. 10, and in the interval *CTb* xi. xxiv. 3, 395, *Not. Dig. Or.* xxviii, *CTb* vi. xiii. 1, 413, xxviii. 8, 435), but from 468 the title is *dux* again (*CJ* i. lvii. 1, ii. vii. 13, and still in Just. *Ed.* xiii).

There remains the *comes litoris Saxonici*. The post is first mentioned in 368 (Amm. xxvii. viii. 1, Nectaridum, comitem maritimi tractus). On the analogy of the other cases I would conjecture that it was originally an emergency command, and that the *comes* was assigned a mixed army comprising some of the *limitanei* of Britain and some *comitatenses*; the latter had been withdrawn by the time the *Distributio Numerorum* was drawn up, but the title was anomalously preserved.

I offer this as a possible interpretation of the evidence, but it may be that I attribute to the Roman government a consistency in the use of titles which it did not possess. It is not impossible that the title of *comes rei militaris*, though it may have originated in the way that I suggest, may in later times have been in some cases retained from inertia or in others arbitrarily bestowed on *duces* merely as an honour. I would however urge that the bestowal of so high a rank on so minor a command as that of Isauria requires explanation.

For the *magistri* under Constantius II after 351 see Ensslin, *Klio*, xxiv (1931), 107 ff. The *magistri peditum* were Silvanus, Barbatio, Ursicinus and Agilo, the *magister equitum in praesenti* Arbetio. Ursicinus was *magister equitum per Orientem* for most of the period, in Gaul the *magistri equitum* were Marcellus, Severus and Lupicinus. In Illyricum Lucillianus was *magister* at the end of the reign, but as some subsequent commanders were only *comites* it would seem that the command was not fully established (see above for references). The title *praesentalis* is not attested until the *Notitia Dignitatum* (*Or.* v, vi, *Occ.* v, vi).

27. Amm. xx. iv. 4, illud tamen nec dissimulare potuit nec silere, ut illi nullas paterentur molestias qui relictis laribus transrhenanis sub hoc venerant pacto ne ducerentur ad partes umquam transalpinas, xx. iv. 10-11, 'nos quidem ad orbis terrarum extrema ut noxii pellimur et damnati, caritates vero nostrae Alamannis denuo servient, quas captivitate prima post internecivas liberavimus pugnas', quo textu ad comitatum perlato lectoque Iulianus contemplans rationabiles querelas cum familiis eos ad orientem proficisci praecepit, clavularis cursus facultate permissa.

28. *CTb* viii. i. 10, 365, actuariis palatinorum et comitatensium numerorum senas annonas, senum etiam capitum, pseudocomitatensium etiam quaternas

annonas et quaternum capitum. See App. II, Tables V-VI. The rule is more strictly observed in the infantry, where the praesental armies contain only one unit of *pseudocomitatenses* (Or. vi. 68-9), and in the regional armies there are only one palatine legion (Or. ix. 21-2) and eight *auxilia*, mostly in the newly formed army of Illyricum (Or. vii. 35-7, ix. 23-9). In the cavalry there are only three *vexillationes palatinae* in the regional armies (Or. viii. 24-7) but thirteen *vexillationes comitatenses* in the praesental armies (Or. v. 33-40, vi. 34-40). In the West the picture is less clear, but among the cavalry there is only one *vexillatio comitatensis* stationed in Italy, and the senior palatine legions and *auxilia* are all in Italy.

29. For the first mention of *pseudocomitatenses* see above n. 28, and for the origins of the regiments so called see App. II, p. 357.

30. On the praetorian prefects at this date the latest contribution is Palanque, *Historia* iv (1955), 257-63. The detailed list is in parts highly conjectural, but the fact of the three prefectures is attested by *ILS* 8944, set up shortly after Constantine II's fall by 'Ant. Marcellinus et Dom. Leontius et Fab. Titianus, vv. cc. praef. praet.' Of these Titianus is proved to have ruled Gaul by Jerome's Chronicle and Leontius the East by the subscriptions of *CTh* ix. xxi. 5, 343, xi. xxxvi. 6, 342, and xii. i. 35, 343. The succession of praetorian prefects of the East after Gallus' death, Musonianus, Hermogenes and Elpidius, is firmly attested by Ammianus (xv. xiii. 1, xix. xii. 6, xxi. vi. 9). The only known *praefecti praetorio Illyrici* are Anatolius and Florentius (Amm. xix. xi. 2, xxi. vi. 5) and in 365 there are three prefects only (Amm. xxvi. v. 5, et orientem quidem regebat potestate praefecti Sallustius, Italiam vero cum Africa et Illyrico Mamertinus, et Gallicas provincias Germanianus).

31. For Eusebius see especially Amm. xviii. iv. 3. ARSACIUS: Ath. *Hist. Ar.* 10. HESYCHIUS: Ath. *Apol. c. Ar.* 36, *Hist. Ar.* 15. EUTHERIUS: Amm. xvi. vii. 2, xx. viii. 19. HILARIUS: *CSEL* LXV. 171. For the organization of the *cubicularii* see pp. 567-8.

32. For the silentiaries see pp. 571-2. EUSEBIUS THE DECURIO: Ath. *Apol. c. Ar.* 56.

33. HILARIUS AND DIOGENIANUS: Ath. *Hist. Ar.* 48, cf. 81, *Apol. Const.* 24. ENVOYS TO SAPOR: Amm. xvii. v. 15, xiv. 3. DECENTIUS: Amm. xx. iv. 2. PAULUS: Amm. xiv. v. 6, xix. xii. 1, xxii. iii. 10. GAUDENTIUS: Amm. xvii. ix. 7, xxi. vii. 2, xxii. xi. 1.

34. FELIX: Amm. xx. ix. 5. The other persons mentioned are all stated to have won their promotion by *σημελὼν ἢ τεχνή* by Libanius (Or. XLII. 23-5). For Taurus see ch. XI, n. 28, for Datianus, ch. XI, n. 29, and for Philippus, *Historia* iv (1955), 229-33. DOMITIANUS: Amm. xiv. vii. 9. ELPIDIUS: Amm. xxi. vi. 9. DULCITIUS: Lib. Or. XLII. 24, *ILS* 751.

35. HUMBLE ORIGINS: Lib. Or. XLII. 23-5. Libanius' diatribes against the notaries (*ὑπογραφεῖς*) are to be found in Or. xviii. 131-4; cf. 149, 158, LXII. 10 ff., cf. 51, II. 44 ff. JULIAN'S PURGE: Lib. Or. II. 58.

36. APODEMIUS: Amm. xiv. xi. 19, 23, xv. i. 2, v. 8, xxii. iii. 11. GAUDENTIUS: Amm. xv. ii. 8; I assume his identity with Gaudentius the notary (see above n. 20), as promotion from *agens in rebus* to *notarius* was regular, see p. 579. For the role of the *agentes in rebus* as secret police (which was, I believe, a passing phenomenon) see pp. 581-2.

37. See p. 579.

IV. THE HOUSE OF CONSTANTINE (pp. 129-34) 23

38. *CTh* VIII. vii. 8, 365, proves that officials of the praetorian prefecture then retired with the rank of *cornicularius*, and that the post of *princeps* was therefore otherwise occupied. *CTh* I. xv. 11, 380 proves the same for the offices of the *comes Orientis* and of vicars, and Symm. *Rel.* 42 (384-5) for the urban prefecture. The later extension of the system is shown by the *Notitia Dignitatum*.

39. *CTh* I. ix. 1, 359, gives the stages of promotion as *biarchia*, *centena*, *ducena* and then *principatus*. RUFINUS: Amm. xv. iii. 8, xvi. viii. 3.

40. PURGE OF THE AGENTES IN REBUS BY CONSTANTIUS: *CTh* I. ix. 1, 359; BY JULIAN: Lib. *Or.* II. 58, xviii. 135-41, cf. *CTh* VI. xxvii. 2, 363. For the later strength of the corps see *CTh* VI. xxvii. 23, 430, *CJ* XII. xx. 3 (457-70).

41. PURGE OF THE DOMESTICI: *CTh* VI. xxiv. 1, 362.

42. BISHOPS AND THE CURSUS PUBLICUS: Amm. XXI. xvi. 18, *CSEL* LXV. 64; cf. Lib. *Or.* XVIII. 143-5 for the general abuse of the post and Julian's reform.

43. PROVINCIAL GOVERNORS AND EVECTIONES: *CTh* VIII. v. 5, 354. JULIAN'S SYSTEM: *CTh* VIII. v. 12, 362, modified by 13, 362. The details of the system are set out in the *Notitia* for the Eastern parts, where at the end of each chapter the number of warrants issued to the magistrate in question is given.

44. Amm. XXI. xvi. 17, nec provinciarum indemnitati prospexit cum multiplicatis tributis et vectigalibus vexarentur. LAW AGAINST SUPERINDICTIONS: *CTh* XI. xvi. 7 and 8, 356. FLORENTIUS: Amm. XVII. iii. Julian is praised for his moderate taxation by Ammianus (xxv. iv. 15, *indicta sunt tributorum admodum levia*) and Eutropius (x. 16, *in provinciales iustissimus et tributorum quatenus ferri posset repressor*), and even Ambrose (*de ob. Val. Jun.* 21) and Gregory Nazianzen (*Or.* IV. 75) admit this in his favour. They may be referring to Julian's reduction of the taxes of Gaul when he was Caesar or to his diminution of the *aurum coronarium* (see p. 430), for from the evidence of Themistius (*Or.* VIII. 113c) and Libanius (*Or.* XVIII. 282) it is plain that the regular taxes of the whole empire were not reduced.

45. See ch. XIX, n. 44.

46. Amm. xxv. iv. 15, vectigalia civitatibus restituta cum fundis; see pp. 732-3 for later developments.

47. Amm. xvi. viii. 11-3; for *petitio* see pp. 422-3.

48. THE PRAETORS: *CTh* VI. iv. 5+6, 340, 8+9, 356. THE PREFECT OF THE CITY: Soc. II. 41, καὶ τότε τὸν ἐπαρχὸν τῆς Κωνσταντινουπόλεως κατέστησεν, Ὀνόματον ὄνομα, τὴν ἀνθυπάτων παύσας ἀρχήν, *Chron. Min.* I. 239. THE LAW OF 361: *CTh* I. vi. 1+xxviii. 1+vi. iv. 12+13+VII. viii. 1+XI. i. 7+XV. 1+xxiii. 1+XII. i. 48+XIII. i. 3+XV. i. 7.

49. *CTh* VI. iv. 11, 357, si quos in urbe Roma perfunctos esse claruerit magistratibus, ad nulla editionum genera devocentur. urbis autem Romae curiam callide declinantes clarissimo praeditos nomine per Achaïam Macedoniam totumque Illyricum iussimus quaeri raro vel numquam sedem dignitatis propriae frequentantes, quibus locorum grata confinia possint esse iucunda, ut carens mora longinquae peregrinationis debeat dignitas concupisci. For an actual case of the transfer of a senator from Rome to Constantinople see Lib. *Ep.* 251-2 (Olympius of Antioch). NUMBERS UNDER CONSTANTIUS: Them. *Or.* xxxiv. xiii.

50. For Acindynus see ch. III, n. 65, and for Philippus etc. n. 34 above. STRATEGIUS MUSONIANUS: Amm. xv. xiii. 1-2.



24 IV. THE HOUSE OF CONSTANTINE (pp. 134-7)

51. Aco Catullinus was *PU* 342-4 and consul 349; his daughter, who married Agorius Praetextatus, alludes to her noble ancestry (*ILS* 1259, cf. 1260). The nobility of Placidus and Lollianus is attested by their Roman magistracies and priesthoods (*ILS* 1223-5, 1231). For the family of Rufius Volusianus see Seeck, *Symmachus*, clxxiv ff. Maecilius Hilarianus' career as *corrector* of Lucania and Bruttium (*CTh* ix. xix. 1+xii. i. 3, 316) and proconsul of Africa (*CIL* viii. 1179, 12524) makes it likely that he was a senator by birth. Vulcacius Rufinus was brother of Galla, who married Constantius, the half brother of Constantine (*Amm.* xiv. xi. 27); his origin is not known, but if he was not a noble by birth he was probably given senatorial rank early in life: for his career see *ILS* 1237. Examples of *vicarii* of senatorial birth are Aco Catullinus (*CTh* xii. i. 24, 26, 338), Crepereius Madalianus (*ILS* 1228, cf. 707), Julius Eubolida (*CTh* viii. x. 2, 344, *ILS* 1233), Clodius Octavianus (*ILS* 1253, cf. 756) and Symmachus, the father of the orator (*ILS* 1257). FACUNDUS AND ARSENIUS: *CTh* vi. iv. 15, 359.

52. For Taurus, Felix and Domitian see above n. 34. NEMESIANUS: *Sb* 1005, *Νεμεσιανὸς . . . ἀπὸ καθολικῶν [Αἰγύπτου] καὶ ἀπὸ ἡγεμόνων . . . καὶ καθολικὸς ὢν τῆς διοικήσεως*, *CTh* xii. i. 30, Nemesiano comiti, 340 (the law deals with the *res privata*), xi. vii. 5, 345, Nemesiano v.p. com. larg. CONSISTORY OF 362: *CTh* xi. xxxix. 5, pars actorum apud imperatorem Iulianum Augustum Mamertino et Nevitta cons. x Kal. April. Constantinopoli in consistorio: adstantibus Iovio viro clarissimo quaestore, Anatolio magistro officiorum, Felice comite sacrarum largitionum. On the other hand in 356 the *magister officiorum* and the *comes sacrarum largitionum* are spoken of as *clarissimi* (*CTh* viii. v. 8 and xi. xvi. 7).

53. SILVANUS: *Amm.* xv. v. 11, 16 (a Frank), 33 (tribune of the Armaturae). AGILO: *Amm.* xiv. x. 8 (an Alaman), xx. ii. 5 (promoted direct from tribune of the Gentiles and Scutarii). NEVITTA: *Amm.* xxi. x. 8 (a barbarian). VICTOR: *Amm.* xxxi. xii. 6 (a Sarmatian). HORMISDAS: *Amm.* xvi. x. 16, cf. xxiv. ii. 11 (a Persian). GOMOARIUS: *Amm.* xxi. viii. 1 (formerly tribune of the Scutarii).

54. VALENTINIAN AND EQUITTIUS: *Amm.* xxvi. i. 4-5. Another general, Eusebius, if he was the father of the empress Eusebia and of Eusebius and Hypatius, was a Macedonian (Julian, *Or.* iii. 106c ff., 110a). GRATIAN: *Amm.* xxx. vii. 2-3. ARBETIO: *Amm.* xv. ii. 4, xvi. vi. 1. JOVIAN: *Amm.* xxv. v. 4, cf. Zos. iii. 30 for Varronianus' office and *Amm.* xxv. x. 13 for Jovian's age.

55. MAGISTRI MADE CONSULS: Sallustius, *Chr.* i. 464; Eusebius, *CTh* xi. i. 1 (he is styled *comes* as consul in *P. Oxy* 1190); Salia, *BGU* 405; Nevitta, *Amm.* xvii. vi. 3, xxi. viii. 1, x. 8; Arbetio, *Amm.* xv. iv. 1, viii. 17. CONSTANTIUS AND DUCES: *Amm.* xxi. xvi. 2.

56. CURIALES AND EQUESTRIAN RANK AND THE COMITIVA: *CTh* xii. i. 26, 338, 36, 343, 41, 353, 42, 354, 44, 358; laws 24 and 25, 338, 27, 339, and 34, 342, which speak in general terms of *honores* or *dignitates*, probably also refer to equestrian posts or the *comitiva*. CURIALES AND THE SENATE: *CTh* xii. i. 29, 340, 42, 354, 14 and 15 (of uncertain date), 48, 361.

57. THE ARMY: Julian, *Ep.* 38, *Lib. Or.* xviii. 166-8, *Greg. Naz. Or.* iv. 64. GAZA ETC.: *Soz.* v. 9, 10, *Greg. Naz. Or.* iv. 86 ff. BEROEA: Julian, *Ep.* 27.

1. ELECTION OF JOVIAN: Amm. xxv. v. PERSIAN TREATY: Amm. xxv. vii. 9.
2. ELECTION OF VALENTINIAN: Amm. xxvi. i.; Zosimus (III. 36) puts the offer of the throne to Salutius here, but Ammianus' account is to be preferred. My character sketch is largely derived from Ammianus' obituary notice in xxx. viii, ix. Valentinian's refusal to sacrifice under Julian is probably historical, since it is alluded to by Ambrose (*de ob. Val. Jun.* 55, *adest pater qui militiam sub Iuliano et tribunatus honores fidei amore contempsit*). Socrates' version (iv. 1) that he offered his resignation but that Julian refused it is the most likely: it is compatible with Ambrose's words and with the silence of Ammianus, who would hardly have ignored the incident if Valentinian had been cashiered or exiled, as alleged by later Christian writers (e.g. Orosius, vii. xxxii. 2, Soz. vi. 6).
3. PROCLAMATION OF VALENS: Amm. xxvi. iv. 3. That he was only a *protector domesticus* under Julian is stated by Socrates (iv. 1); he was promoted to *tribunus stabuli* by his brother shortly before his elevation to Augustus (Amm. xxvi. iv. 2). His character sketch is in Amm. xxxi. xiv.
4. The previous career of Procopius is given in Amm. xxvi. vi. 1 (cf. xvii. xiv. 3, xxiii. iii. 5). His revolt is recounted in Amm. xxvi. vi-x.
5. GOTHIC WAR: Amm. xxvii. v, Zos. iv. 10-11; the peace terms are given by Them. *Or.* x. 135 bcd. PERSIAN AFFAIRS: Amm. xxvii. xii, xxx. i, ii.
6. THE ALAMANS: Amm. xxvii. x, xxviii. ii. 1-9, v, xxix. iv, xxx. iii. BRITAIN: idem, xxvii. viii, xxviii. iii. TRIPOLITANIA: idem, xxviii. vi. FIRMUS: idem, xxix. v. EXECUTION OF THEODOSIUS: Orosius, vii. xxxiii. 7, Jerome, *Chron.* s.a. 376.
7. THE QUADI AND SARMATIANS: Amm. xxix. vi. 1-16, xxx. v. DEATH OF VALENTINIAN: Amm. xxx. vi. PROCLAMATION OF GRATIAN: Amm. xxvii. vi; he comments on the fact that Valentinian appointed his son not Caesar but Augustus, technically his equal colleague, from the start, see §16, in hoc tamen negotio Valentinianus morem institutum antiquitus supergressus non Caesares sed Augustos germanum nuncupavit et filium, benivole satis, nec enim quisquam antehac adscivit sibi pari potestate collegam praeter principem Marcum qui Verum adoptivum fratrem absque diminutione aliqua auctoritatis imperatoriae socium fecit. PROCLAMATION OF VALENTINIAN II: Amm. xxx. x, Zos. iv. 19; Zosimus links Equitius with Merobaudes as one of the principal promoters of the proclamation. His statement that the empire was divided between Gratian and Valentinian II, the former taking the Gallic prefecture and the latter Illyricum, Italy and Africa, is untrue (see Palanque, *REA* XLVI (1944), 59 ff.).
8. REMIGIUS: Amm. xv. v. 36, Remigio etiam tum (355) rationario apparitionis armorum magistri, xxvii. ix. 2 (magister officiorum, 368). LEO: xxvi. i. 6, Leo, adhuc sub Dagalaifo magistro equitum rationes numerorum militarium tractans exitialis postea magister officiorum, xxx. ii. 10 (succeeds Remigius as *magister officiorum*); he was in the interval a notary (xxviii. i. 12). MAXIMINUS: Amm. xxviii. i. 5-6, 41. FESTUS: Amm. xxix. ii. 22, Lib. *Or.* i. 156 (ignorant of Greek).
9. MODESTUS: Seeck, *Die Briefe des Libanius*, 213-18. TATIAN: *ILS* 8844, cf. *JTS* 1954, 224-7 for the creation of the diocese of Egypt. VULCACIUS RUFINUS: Amm. xxvii. vii. 2. PETRONIUS PROBUS: Amm. xxvii. xi. 1; for his career see below n. 58.

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10. EQUITIUS: Amm. xxvi. i. 6 (Pannonian), v. 3 (*comes*), v. 11 (*magister*). THEODOSIUS: Pan. Lat. II. 4 (his son a native of Spain), Amm. xxviii. iii. 9 (promoted *magister equitum* after his British campaign). For the other *magistri* see Ensslin, *Klio*, xxiv (1931), 123 ff.

11. Amm. xxviii. i.

12. Symm. Or. IV, Amm. xxi. xvi. 1.

13. VALENTINIAN'S LAW OF PRECEDENCE: *CTh* vi. vii. 1+ix. 1+xi. 1+xiv. 1+xxii. 4, 372, alluded to by Gratian, *CTh* vi. v. 2, 384, *caelestis recordationis* Valentinianus genitor numinis nostri singulis quibusque dignitatibus certum locum meritumque praescripsit.

14. A law of Gratian, *CTh* vi. x. 2+xxvi. 2, 381, orders 'notariorum primicerios . . . non solum vicariis anteponi sed etiam proconsulibus aequari'. The implication is that they were already graded above *vicarii*. The same law grants equality with *vicarii* to *tribuni et notarii* and to the *proximi scriniorum* and *magistri dispositionum*, who are styled *clarissimi viri*. It is to be inferred that all these were already *consulares* and were moved up one grade. LIBANIUS' COMPLAINTS: Lib. Or. II. 43-6, LXII. 10-16, Ep. 1224. The social transformation of the *notarii* must have begun in Constantius II's reign, seeing that Procopius, a relative of Julian, was serving in the corps in 358 (Amm. xvii. xiv. 3). In 371 Theodorus, a man of ancient family and good education, had risen to be *secundicerius notariorum* (Amm. xxix. i. 8).

15. On these titles see O. Hirschfeld, *Die Rangtitel der römischen Kaiserzeit* (*Kleine Schriften*, 657-71) and Ensslin s.v. 'spectabilis', *PW* III A, 1552-68, Berger s.v. 'illustis', *PW* IX. 1070-85.

16. VALENS' LETTER TO FESTUS: Bruns, *Fontes Iuris Romani*?, 97b. THE INCREASE OF THE SENATE: Them. Or. xxxiv. xiii.

17. RULE ABOUT CHILDREN: *CTh* XII. i. 57, 364, *nemo ad ordinem senatorium ante functionem omnium munerum municipalium senator accedat . . . in locum suum scilicet filiis subrogatis, si eos successio familiae ad exsequendam universae legis nostrae mentem docebitur adiuvare*; 58, 364, *qui curiali ortus familia ante completa munera patriae senator factus est, fructu careat, quousque muneribus absolvatur; quibus expletis si velit sumptuosum ordinem senatorium vitare, renuntiet dignitati; si permanserit, liberos quos post ediderit habeat senatores, praetores iam quaestoresque, non muneri decurionum obnoxios*; 69, 365, *universi qui praematura cupiditate senatorios coetus honoribus patriae praetulisse noscuntur, habeant quidem incolumem statum senatoriae dignitatis, verum fungantur his honoribus quos patriae nondum reddiderunt. quin etiam liberos suos indicent quos ante senatoriam dignitatem quisque suscepit*. The rule was applied to all senators, whether of curial origin or not, by *CJ* XII. i. 11, 377, *senator [vel alius clarissimus] privatos habeat filios, editos quippe antequam susciperet dignitatem* (the bracketed words are probably an interpolation of Justinian). VALENS' LAW: *CTh* XII. i. 74, 371; by *CTh* XII. i. 73, 373 (S), Valentinian reaffirmed the rule that decurions could obtain senatorial rank only by an *administratio* or a palatine *militia*.

18. For the early history of the *defensor* see ch. XIX, n. 31.

19. *CTh* I. xxix. 1, 368 (S), *admodum utiliter edimus ut plebs omnis Inlyrici officiis patronorum contra potentium defendatur iniurias. super singulas quasque praedictae dioeceseos civitates aliquos idoneis moribus quorumque vita anteacta laudatur tua sinceritas ad hoc eligere curet officium*. INSTRUCTIONS

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TO SENECA: *CTh* I. xxix. 2+VIII. xv. 4; as the name of the place at which this law was given is uncertain we cannot be sure which emperor issued it, nor to which of the consulates of Valentinian and Valens it belongs. VALENS' LAW: *CTh* I. xxix. 5, 370 (given at Hierapolis).

20. *CTh* I. xxix. 1, 3, 4, 368 (S).

21. SUSCEPTORES AND PRAEPOSITI HORREORUM: *CTh* XII. vi. 5, 6, 7, 9, cf. VIII. iii. 1, vii. 8 (all 364-5). SUSCEPTORES VESTIS: *CTh* XII. vi. 4, 365. CURSUS PUBLICUS: *CTh* VIII. v. 23, 365.

22. *CTh* XII. vi. 9, 365, susceptores specierum idcirco per Illyrici provincias ex officialium corpore creati praecepimus quod cognitum est illos et re et fide idoneos haberi quam eos, qui in curia suscipere consueverint. verum in provinciis Africae tua sinceritas hoc ab his officium iubeat amoveri atque eos susceptores specierum annonariarum manere, quos ad hanc necessitatem vetus consuetudo constringit, maxime cum, si susceptores de curia dati aliquid vel negligentia vel fraude decoxerint, ad redintegrationem specierum, sicuti moris est, ordo qui creaverit possit artari. For the alleged difficulty in filling the posts see *CTh* XII. vi. 5, 365, sed quoniam praeses Ciliciae adseruit deesse ex his corporibus quibus possit haec sollicitudo committi, ne in praesens tempus fisci nostri seu publica emolumenta vacillent, excellentia tua, ubi eos deesse perviderit, quos susceptores ac praepositos creati scitis prioribus iusseramus, vetustum morem consuetudinemque sectabitur, scilicet ut ex eo ordine constituentur ex quo ante consueverant ordinari; also *CTh* VIII. v. 26, 365, cursus mancipis clavularii ex quo genere hominum debeant ordinari, apertissima lege decrevimus. quorum si praedictae numerus functioni non potuerit occurrere, curiales ad hoc munus sunt vocandi. For corrupt evasion by those liable see *CTh* XII. vi. 5, 365, nam si qui per gratiam fuerint praetermissi, necesse habet exigere publica commoditas ultionem. nec enim dubium est eos officiales qui nunc diversis officiis obsecundant plurimos praetermittere.

23. VALENS' LETTER TO EUTROPIUS: *FIR* I<sup>2</sup>, 108. THE THIRD: *CTh* IV. xiii. 7, xv. i. 18, 374. For the civic lands and taxes see pp. 732-3.

24. *Amm.* xxx. ix. 1, xxxi. xiv. 2.

25. *Them. Or.* VIII. 112-13. *Amm.* xxxi. xiv. 3.

26. The abolition of *capitatio* in Illyricum is implied by *CJ* XI. liii. 1, 371 (cf. the similar law about Thrace, *CJ* XI. lii. 1). The story of Valentinian and Iphicles is told in *Amm.* xxx. v. 4-10. FISCAL OPPRESSION IN AFRICA: *Zos.* IV. 16.

27. GOLD MINERS: *CTh* X. xix. 3, 365, 5, 370 (S), 6, 369, 7, 370, 9, 378.

28. In *CTh* XIII. i, *de lustrali collatione*, laws 1 (356), 4 (362), 6 (364) and 8 (370) speak of gold and silver, but 9 (372), 11 (379), 15 (386), 17 (399), 18 (400), 19 (403), 20 (410) and 21 (418) all mention gold only: only in *CTh* I. v. 14 (405) is silver spoken of as part of the *collatio lustralis* after 370. The tax was known as the *pensio auraria* in Ostrogothic Italy (*Cass. Var.* II. 26, 30) and was paid in gold under Anastasius (*Josh. Styl.* 31).

29. VALENTINIAN'S MILITARY DISCIPLINE: *Amm.* xxx. v. 3, ix. 1. VALENS' CARE FOR THE TROOPS: *Them. Or.* VIII. 116ab, x. 136ab, 138bc. The following units in the *Notitia* can be attributed to Valens in the field armies: *Not. Dig. Or.* v. 56, Tertii Sagittarii Valentis, vii. 46, Secunda Felix Valentis Thebaeorum, viii. 52-3 (cf. 20-2), Augustenses, Valentinianenses, Gratianenses. He also probably reinforced the army of Oriens with units withdrawn from the areas ceded by Jovian to Persia (see App. II). Among the *limitanei* he can be credited with

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the following: *Not. Dig. Or.* xxxi. 36, legio I Valentiniana, 39, legio II Valentiniana, xxxiv. 35, ala II Felix Valentiana, 42, cohors II Gratiana, xxxvii. 29, 30, ala I Valentiana, ala II Felix Valentiniana, xxxviii. 37, cohors II Valentiana.

30. SONS OF VETERANS: *CTh* VII. i. 5, 364, 8, 364 (S), xxii. 7, 365, 8, 372. REFORM OF THE CONSCRIPTION: *CTh* VII. xiii. 7, 375; section 1 of this law shows that the levy was annual. For an explanation of the system see pp. 615-16. TAX EXEMPTIONS FOR RECRUITS: *CTh* VII. xiii. 6, 370, 7 §3, 375. ALLOTMENTS TO VETERANS: *CTh* VII. xx. 8, 364.

31. REDUCTION OF HEIGHT: *CTh* VII. xiii. 3, 367. EXEMPTION OF RES PRIVATA: *CTh* VII. xiii. 2, 370. The commutation of recruits is mentioned in this law (domum nostram ad exhibenda tironum corpora per eas provincias, a quibus corpora flagitantur, nolumus perurgueri: ceterum sinimus conveniri, in quibus pretia postulantur) and in *CTh* VII. xiii. 7 §1: the latter passage implies that in the same province recruits might be levied in one year and gold in another. RECRUITS FROM THE SUBURBICARIAN PROVINCES: *CTh* VII. xiii. 3+4, 367. RECRUITS FROM EGYPT: *Chr.* I. 466-7, 469 (dated by *ILS* 8947). AURUM TIRONICUM FROM EGYPT: *P. Lips.* 34 v, 61.

32. CONFISCATION OF TEMPLE LANDS: *CTh* V. xiii. 3, x. i. 8, 364. JOVIAN'S EDICT: *Them. Or.* v. Valentinian's edict is referred to in *CTh* IX. xvi. 9, 371, testes sunt leges a me in exordio imperii mei datae, quibus unicuique quod animo inibisset, colendi libera facultas tributa est. NOCTURNAL SACRIFICES: *CTh* IX. xvi. 7, 364, Zos. IV. 3. HARUSPICINA: *CTh* IX. xvi. 9, 371. On the position under Valens the evidence is conflicting. According to Theodoret (*HE* v. 21) pagan rites, including sacrifice, flourished unchecked. According to Libanius (*Or.* xxx. 7) sacrifice was at first allowed but later prohibited owing to a conspiracy (*ρεωτέγων τῶν συμβάντων*) but incense was still permitted. It may well be as the result of the Theodore incident (*Amm.* xxix. i) that stringent laws were issued against divination and magic, and that it became dangerous to offer sacrifices, which were associated with these activities.

33. MANICHEES: *CTh* XVI. v. 3, 372. REBAPTISM: *CTh* XVI. vi. 1, 373. VALENTINIAN'S RELIGIOUS IMPARTIALITY: *Soz.* VI. 7, *Amm.* xxx. ix. 5.

34. DAMASUS AND URSINUS: *Amm.* xxvii. iii. 12-15. AGORIUS PRAETEXTATUS: Jerome, *c. Job. Hierosol.* 8. VALENTINIAN'S CONSTITUTION: *CTh* XVI. ii. 20, 370.

35. Paul. *V. Amb.* 6-9.

36. *CTh.* XII. i. 59+XVI. ii. 17, 364, XVI. ii. 19, 370, 21, 371.

37. VALENS' EDICT: *Soz.* VI. 12.

38. VALENS AND BASIL: *Greg. Naz. Or.* XLIII. 48-54, *Theod. HE* IV. 19. VALENS AND PETER: *Theod. HE* IV. 22.

39. *Amm.* xxxi. iii, iv. 1-8.

40. LUPICINUS AND MAXIMUS: *Amm.* xxxi. iv. 9-11. The Goths enrolled in the army of Oriens are mentioned in xxxi. xvi. 8, those sent to Adrianople in xxxi. vi. 1.

41. THE OSTROGOTHS: *Amm.* xxxi. iv. 12-13, v. 1-3. THE MASSACRE: *idem.* xxxi. v. 4-7. ADRIANOPLE: *idem.* xxxi. vi. 1-4. SLAVES AND MINERS: *idem.* xxxi. vi. 5-6.

42. *Amm.* xxxi. vii-xiii.

43. THE SARACENS: *Amm.* xxxi. xvi. 5-6, *Soc.* v. 1, *Soz.* VII. 1. JULIUS: *Amm.* xxxi. xvi. 8, *Zos.* IV. 26.

44. The transfer of the two dioceses is mentioned only by Soz. vii. 4, 'Ἰλλυρίους καὶ τὰ πρὸς ἡλίον ἀνίσχοντα τῆς ἀρχῆς Θεοδοσίῳ ἐπιτρέψας, but is confirmed by Theodosius' residence at Thessalonica during the first two years of his reign.

45. CONSCRIPTION: *CTh* vii. xiii. 8, 9, 380, 10, 381, 11, 382. SONS OF VETERANS: *CTh* vii. xxii. 9, 10, 380. ENROLMENT OF BARBARIANS: Zos. iv. 30-1.

46. The date is given by *Chron. Min.* i. 243, ipso anno universa gens Gothorum cum rege suo in Romaniam se tradiderunt die V non. Oct. The settlement is described in Them. *Or.* xvi. 211, xxxiv. xx-xxiv; cf. also Pan. Lat. ii. 22, dicamne ego receptos servitum Gothos castris tuis militem, terris sufficere cultorem? Synesius severely criticises the settlement (*de Regno*, 14-15). He stresses the folly of introducing into the empire νεότητα πολλήν ἑτερότροπον ἔθειν ἰδοὺς χρωμένην (ch. 14) and blames Theodosius for his weakness in making the Goths allies and giving them land (ch. 15, καὶ συμμάχους ἐπολεῖ καὶ πολιτείας ἡξίον καὶ μετεδίδου γεγῶν καὶ γῆς τι ἐδάσατο τοῖς παλαμναίοις 'Ρωμαϊκῆς. That the main settlement was in Moesia and Scythia appears from Zos. iv. 34, and from the fact that Alaric's first move was from τὰ τῆς Θράκης ἄνω μέρη (Philostorgius, xii. 2, cf. Zos. v. 5). The allusion to Macedonia in Them. *Or.* xxxiv. xxiv is puzzling; presumably some other bands of Goths were settled there. The use of the word δμωροφίους in the same passage suggests that the Goths were settled as *hospites* on the system later used in the West (see pp. 248-53).

47. The number 20,000 depends on Jordanes, *Get.* 145.

48. Zos. iv. 35. Claudian, *de IV cos. Hon.* 623 ff., cf. in *Eutrop.* ii. 153 ff. for the Gruthungi settled in Phrygia.

49. See my *CERP*, 224-6 and 444-5, n. 15.

50. GRATIAN'S CHARACTER: *Epit. Caes.* xlvii. 4-6. REVOLT OF MAXIMUS: Zos. iv. 35.

51. Justina is spoken of as the power behind the throne in Paul. *V. Amb.* 11-2, Rufinus, *HE* ii. 15, Soc. v. 11, Soz. vii. 13, Zos. iv. 43, 47. RECOGNITION OF MAXIMUS: Zos. iv. 37. Theodosius' visit to Italy is an inference (doubtful in view of the many inaccuracies of the Code) from *CTh* xii. i. 107, which was addressed from Verona on 31 Aug. 384 to Cynegius, praetorian prefect of the East. The date of the retrocession of Dacia and Macedonia to the Western empire is the subject of a vast literature, see Stein, *Bas-Empire* i. 520, n. 5. It is proved by *CTh* i. xxxii. 5 that they belonged to the West in 386, but in *CTh* vi. ii. 14, 384, Theodosius grants immunity from the *gleba* to senators of Constantinople from both the Thracian and Macedonian dioceses.

52. MAXIMUS' CONFISCATIONS: Pan. Lat. ii. 25-6, Sulp. Sev. *Dial.* iii. 11. PRAISE OF MAXIMUS: Sulp. Sev. loc. cit. and *Dial.* ii. 6, vir omni vita merito praedicandus, si ei vel diadema non legitime, tumultuante milite, impositum repudiare vel armis civilibus abstinere licuisset, Orosius, vii. xxxiv. 9, Maximus, vir quidem strenuus et probus atque Augusto dignus, nisi contra sacramenti fidem per tyrannidem emersisset. FALL OF MAXIMUS: Zos. iv. 42-6.

53. PROCLAMATION OF ARCADIUS: *Chron. Min.* i. 244. ARBOGAST AND EUGENIUS: Zos. iv. 53-4, Soz. vii. 22, Joh. Ant. 187. PROCLAMATION OF HONORIUS: *Chron. Min.* i. 298.

54. BARBARIAN TROOPS UNDER THEODOSIUS AND MAXIMUS: Pan. Lat. ii. 32, *Amb. Ep.* 24 §§ 4 and 8; UNDER THEODOSIUS AND EUGENIUS: Zos. iv. 57-8, Orosius, vii. xxxv. 11-12, 19, Soc. v. 25, Soz. vii. 24, Greg. Tur. *HF* ii. 9.

55. See App. II, Tables I-II for Theodosian units. To Gratian may be



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reasonably attributed two *auxilia palatina*, the Gratianenses Jun. and Valentinianenses Jun. (*Not. Dig. Occ.* v. 189, 190). The Gratianenses Sen., who have much higher seniority (*ibid.* v. 181), may have been raised by Valentinian I. The Felices Valentinianenses (*ibid.* v. 208) seem to have suffered a penal loss of seniority (see App. II); they might belong to Gratian or Valentinian II.

56. BAUTO AND ARBOGAST FRANKS: Zos. IV. 33, Amb. *Ep.* 24 § 8, Paul. *V. Amb.* 30. Of Theodosius' *magistri* only Timasius (Joh. Ant. 187) and Abundantius (Zos. v. 10, ἀπὸ τῆς ἐν τῇ Θρακίᾳ Σκυθίας) are definitely attested to have been Romans, and only Modares (Zos. IV. 25) a Goth. BACURIUS: Rufinus, *HE* I. 10, II. 33. For the other generals see Ennslin, *Klio*, xxiv (1931), 131 ff.

57. For Ausonius and his family see the fully annotated family tree in Schenkl, *Ausonius*, MGH (AA) v, p. xiv. For Syagrius see Seeck, *Symmachus*, MGH (AA) vi, p. cix.

58. The prefectures of Petronius Probus are a much discussed problem. He certainly held four prefectures (*ILS* 1267-8), of which the first, under Valentinian I, was of Italy, Illyricum and Africa (*ILS* 1265). He is recorded (Soc. v. 11, Soz. VII. 13) as praetorian prefect of Italy (and presumably Illyricum and Africa) in 383 at the time of Maximus' revolt and in 387 at the time of Maximus' invasion of Italy; these must be the third and fourth prefectures. He was also at some time prefect of the Gauls (*ILS* 1266-8, *CJ* VII. xxxviii. 1), presumably in 380, when he is recorded as praetorian prefect (*CTh* VI. xxxv. 10). The inscription *ILS* 1266 must be muddled. AGORIUS PRAETEXTATUS: *ILS* 1258-9, cf. *Amm.* XXII. vii. 6 (proconsul of Achaëa), XXVII. ix. 8 (prefect of the city), *CTh* VI. v. 2 (praetorian prefect). NICOMACHUS FLAVIANUS: *ILS* 2947-8; he may have been prefect for the first time in 383 (*CTh* VII. xviii. 8 and IX. xxix. 2), unless the date of this law is wrong; his prefecture in 391-2 is well attested in the Code, and under Eugenius by Paul. *V. Amb.* 26, Rufinus, *HE* II. 33, Soz. VII. 22.

59. EUTROPIUS: *magister memoriae* in the dedication of his Breviarium; *procos. Asiae*, *Amm.* XXIX. i. 36. TATIAN: *ILS* 8844. NEOTERIUS: notary, *Amm.* XXVI. v. 14. Cynegius' Spanish origin is inferred from *Chron. Min.* I. 245 (his widow takes his corpse from Constantinople to Spain); *magister scrinii*, *Lib. Or.* XLIX. 3. RUFINUS: a Gaul, Claudian, in *Ruf.* I. 123 ff.; career, Zos. IV. 51-2; the transfer of the *fabricae* is attested by *CTh* X. xxii. 3 (addressed to Rufinus as *magister officium* in 390; contrast the previous law addressed in 388 to the praetorian prefect).

60. PRECEDENCE: *CTh* VI. vi. 1, 382, vii. 2, 380, ix. 2, 380, xxii. 5, 6, 381, and especially VI. xxii. 7, 383. COMITES CONSISTORIANI: *CTh* VI. ix. 2, 380; the *magister officiorum* is *spectabilis* in 378 (VIII. v. 35) but *illustris* in 384 (*Symm. Rel.* 34, 38, 43). NEW PROCONSULATES: SPAIN: Sulp. Sev. *Chron.* II. 49. CAMPANIA: *ILS* 1262-3, 5702, 8984. PALESTINE: *CTh* XI. xxxvi. 28, 383, xxx. 42, 384, X. xvi. 4, 385.

61. NOTARIES: *CTh* VI. x. 2, 381, 3, 381. PROXIMI SCRINIORUM: *CTh* VI. xxvi. 2, 381, 4, 386. PRINCIPES AGENTIUM IN REBUS: *CTh* VI. xxvii. 5, 386, 6, 390. REDUCTION OF THE GLEBA: *CTh* VI. ii. 15, 393.

62. DECURIONS: *CTh* XII. i. 90, 383, III. 386, III. 387, 122, 390, 129, 392, 130 and 132, 393; cf. *Lib. Or.* XLIX. 5, 6.

63. REMISSION OF GLEBA: *CTh* VI. ii. 14, 384. REMISSION OF CAPITATIO: *CJ* XI. lii. 1. THEODOSIUS' EXPENDITURE: Pan. Lat. II. 13, Zos. IV. 33, *Epit. Caes.* xlviii. 9, *Lib. Or.* II. 58. THE RIOT AT ANTIOCH: Zos. IV. 41, Soz. VII. 23, Theod.

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HE v. 20, Lib. *Or.* xix-xxiii, Joh. Chrys. *Hom. ad pop. Ant.*; for the tax involved see R. Browning, *JRS* XLII (1952), 14-5.

64. GRATIAN'S DECREE OF TOLERATION: Soc. v. 2, Soz. vii. 1; he refers to it in *CTb* xvi. v. 5, *antiquato rescripto quod apud Sirmium nuper emersit*. THE ROMAN COUNCIL AND GRATIAN'S REPLY: Mansi, III. 634, *Coll. Avell.* 13. LAW AGAINST HERETICS: *CTb* xvi. v. 5, 379; law 4 is probably misdated, see *Rev. Hist.* CLXVIII (1931), 87-90.

65. PONTIFEX MAXIMUS: Zos. iv. 36. THE ALTAR OF VICTORY (382): Amb. *Ep.* 17.

66. THE ALTAR OF VICTORY (384): Symm. *Rel.* 2, Amb. *Ep.* 17, 18, 57. THE ARIAN BASILICA: Amb. *Ep.* 20, 21, Paul. *V. Amb.* 12-13, Rufinus, HE II. 15-16, Soz. vii. 13, *CTb* xvi. i. 4, 386.

67. Sulp. Sev. *Chron.* II. 46-51, *Dial.* III. 11.

68. THEODOSIUS' BAPTISM: Soc. v. 6, Soz. vii. 4.

69. THEODOSIUS' LAWS ON THE FAITH: *CTb* xvi. i. 2, 380, v. 6, 381. DEPOSITION OF DEMOPHILUS: Soc. v. 7, Soz. vii. 5.

70. CHOICE OF NECTARIUS: Soz. vii. 8. The council is described in Soc. v. 8, Soz. vii. 7-9. The canons referred to are the second and third.

71. *CTb* xvi. i. 3, 381.

72. THEODOSIUS' LAWS AGAINST HERETICS: *CTb* xvi. v. 6-24, 381-94; of these nos. 7, 9 and 18 are against Manichees and 9 also against the Encratites. LAWS AGAINST APOSTATES: *CTb* xvi. vii. 1, 381, 2, 383, 3, 383, 4, 391, 5, 391.

73. DECURIONS AND THE CHURCH: *CTb* XII. i. 104, 383, 115, 386, 121, 390, cf. Amb. *Ep.* 40 § 29. Ambrose complained of the same rule to Valentinian II in 384 (*Ep.* 18 § 13). DEACONESSSES AND WIDOWS: *CTb* xvi. ii. 27, 28, 390.

74. PROTECTION OF THE JEWS: *CTb* xvi. viii. 8, 392, 9, 393. CALLINICUM INCIDENT: Amb. *Ep.* 40, 41, Paul. *V. Amb.* 22-3.

75. LAWS OF 381 AND 385: *CTb* xvi. x. 7, 381, *si qui vetitis sacrificiis diurnis nocturnisque velut vesanus ac sacrilegus incertorum consultorem se immerserit fanumque sibi aut templum ad huiusmodi sceleris executionem adsumendum crediderit vel putaverit adeundum, proscriptione se noverit subiugendum, cum nos iusta institutione moneamus castis deum precibus excolendum, non diris carminibus profanandum*, 9, 385, *si quis mortalium ita faciendi sacrificii sumat audaciam, ut inspectione iecoris extorumque praesagio vanae spem promissionis accipiat uel, quod est deterius, futura sub execrabili consultatione cognoscat. acerbioris etenim imminebit supplicii cruciatus eis qui contra vetitum praesentium vel futurarum rerum explorare temptaverint veritatem*. While these laws are specifically directed against divination, their menaces are so vaguely worded that it is understandable that Libanius states the legal position as he does in *Or.* xxx. 8, cf. 17. For the continuation of some form of public pagan cult see *CTb* XII. i. 112, 386. In *CTb* xvi. x. 8, 382, Theodosius orders that a temple in Osrhoene be kept open 'neque huic rei obreptivum officere sinimus oraculum': evidently a petition for its closure had been granted. The last sentence of the law 'ne illic prohibitorum usus sacrificiorum huius occasione aditus permissus esse credatur', is ambiguous; are all sacrifices forbidden, or only prohibited sacrifices, i.e. those for the purpose of divination?

76. DESTRUCTION OF TEMPLES: Lib. *Or.* xxx. 8 ff. CYNEGIUS' TOUR: Zos. iv. 37, *Chron. Min.* I. 244, Theod. HE v. 21, cf. Soz. vii. 15.

77. DESTRUCTION OF THE SERAPEUM: Rufinus, HE II. 23-30, Soc. v. 16, Soz. vii. 15, Theod. HE v. 22, Eunap. *V. Soph.* vi. 11; the date is uncertain, being

## 32 V. FROM JOVIAN TO THEODOSIUS I (pp. 168-9)

given as 389 by Marcellinus and 391 by the Gallic chronicle (*Chron. Min.* i. 650, II. 62). Evagrius and Romanus, the Augustal prefect and *comes Aegypti* under whom the temple was destroyed, were in office in June, 391 (*CTh* XVI. x. 11), but they may have been so two years earlier. The law addressed to them has no bearing on the destruction of the Serapeum, and might be earlier or later than it.

78. *CTh* XVI. x. 10, 11, 391, 12, 392.

79. EUGENIUS' PAGAN REACTION: *Amb. Ep.* 57, *Paul. V. Amb.* 26, 31, *Soz.* VII. 22, *Rufinus, HE* II. 33. Cf. the contemporary Christian pamphlets cited by Piganol, *Empire chrétien*, 226, n. 105.

80. THE MASSACRE OF THESSALONICA: *Amb. Ep.* 51, *Paul. V. Amb.* 24, *Rufinus, HE* II. 18, *Soz.* VII. 25, *Theod. HE* v. 17-18. The law is *CTh* IX. xl. 13, 390.

## VI. THE HOUSE OF THEODOSIUS (pp. 173-7)

For the first part of the period covered by this chapter there is a detailed study, E. Demougeot, *De l'unité à la division de l'empire romain*, Paris, 1951, and for the relations of the empire with the Huns E. A. Thompson, *A history of Attila and the Huns*, Oxford, 1948.

1. THEODOSIUS II'S PIETY: *Soc.* VII. 22, cf. the dedicatory epistle of Sozomen's Ecclesiastical History. On Pulcheria and Galla Placidia see Ensslin in *PW* XXIII. 1954-63, XX. 1910-31. Pulcheria's power is praised by Sozomen (IX. 1) and reviled by Eunapius (fr. 87). For Galla Placidia's dominance see *Proc.* BV I. iii. 14-36, *Chron. Min.* II. 22, 78, *Joh. Ant.* 201. 3.

2. *Not. Dig. Occ.* v, vi, vii. 111-14, XXV. 37-42, XXVI. 21-4, XXVIII. 22-5, XXIX. 6-9, XXX. 20-3, XXXI. 32-4, XXXV. 35-8, XXXVI. 6-9, XXXVII. 30-3, XL. 57-60, XLI. 26-9, cf. *CTh* I. vii. 3, 398, sicut clarissimis viris comitibus et ducibus diversarum provinciarum et limitum, ita et viro spectabili comiti per Africam principes et numerarii ex officio magisteriae potestatis mittantur.

3. JACOBUS: Claudian, *Epigr.* 50. VINCENTIUS: *Zos.* v. 32. For Stilicho's title see *ILS* 797, 1277.

4. STILICHO'S FALL: *Zos.* v. 32-4. VARANES AND TURPILIO: idem, v. 36. TURPILIO AND VIGILANTIUS: idem, v. 47, cf. 48. FALL OF OLYMPIUS: idem, v. 46.

5. VALENS AND ALLOBICH: *Zos.* v. 48; Valens is called *στρατηγὸς ἐκατέρας δυνάμεως* in *Olymp.* 13. CONSTANTIUS IN GAUL: *Orosius*, VII. xlii. 1-3, *Soz.* IX. 13-4; patrician in 415, *Chron. Min.* I. 467, cf. *ILS* 8992, 801. For the use of the title see pp. 343-4. CONSTANTIUS' MARRIAGE AND CORONATION: *Olymp.* 34.

6. CASTINUS: *Chron. Min.* I. 469-71. FELIX: *ILS* 1293, *Chron. Min.* I. 471-3, II. 21-2, *Jch. Ant.* 201. AETIUS AND THE HUNS: *Greg. Tur. HF* II. 8, *Philostorgius*, XII. 14. He is described as *comes* in 425 (*Philostorgius*, loc. cit.) and in 428 (*Chron. Min.* I. 472, describing his operations in Gaul). He was made *magister militum* (under Felix as patrician) in 429 (*Chron. Min.* I. 472). BONIFACE: *Chron. Min.* I. 473-4, II. 22, *Joh. Ant.* 201.

7. For a hostile account of Stilicho see *Orosius*, VII. xxxviii, cf. xlii. 2, Constantio comiti huius belli summa commissa est. sensit tunc demum respublica et quam

utilitatem in Romano tandem duce receperit et quam eatenus perniciem per longa tempora barbaris comitibus subiecta tolerarit. CONSTANTIUS FROM NAISSUS: Olymp. 39. AETIUS FROM DUROSTORUM: Jordanes, *Get.* 176. ALLOBICH: Zos. v. 48. ULFILAS: Soz. ix. 14. GAISO: *CTh* vii. xviii. 16, 413. SIGISVULT: Val. iii, *Nov.* vi. 1, ix, 440; he is first mentioned in Africa in 427 (*Chron. Min.* i. 472, Aug. *Coll. cum Maximino*, 1) and was consul in 437.

8. We know the full career of only one of Honorius' praetorian prefects, thanks to Claudian's *Pan. Mallio Theodoro cos.*: he was an advocate from Milan, and was governor of an African province, consular of Macedonia (or vicar?), *magister epistularum* (or quaestor?), *comes sacrarum largitionum*, praetorian prefect of the Gauls and then of Italy. Hadrianus was an Alexandrian (Claudian, *Epigr.* 21) and served as *CSL* and *mag. off.* before becoming *PPO It.* John was a notary in 394 (Paul. *V. Amb.* 31) and had risen to be *primicerius* in 408 (Zos. v. 40); he was *mag. off.* under Attalus (Soz. ix. 8) before becoming *PPO It.* in 412-3. Of the rest little is recorded (see Sundwall, *Weströmische Studien*, for their careers), but only one, Valerius Messalla, is known to have been an aristocrat (Rut. Nam. *de red. suo*, i. 267 ff.). For Valentinian's noble prefects see Sundwall, *op. cit.* The early career of Petronius Maximus is given in *ILS* 809, that of Faustus in *ILS* 1283. Nicomachus Flavianus was consular of Campania and proconsul of Asia before becoming *PU* and *PPO It.* (*ILS* 2948). Albinus was *PU* 'vitae flore puer' (Rut. Nam. *de red. suo*, i. 466 ff.) and is not known to have held any lower office. Volusianus was proconsul of Africa as 'puer' and quaestor 'primaevus' (Rut. Nam. *de red. suo*, i. 171-3) before being *PU* and *PPO It.*

9. RUFINUS AND EUTROPIUS: Zos. v. 1-10.

10. *Not. Dig. Or.* v-ix. It is noteworthy that only one of the *praesentales* and the *magister militum per Orientem* had established civil servants (*officium cardinale*), and the other three were served by soldiers seconded from their regiments; this must have been a temporary arrangement and suggests that Theodosius had left behind only the *magister* of Oriens and one praesental *magister*, and that the other three commands were hastily improvised.

11. REVOLT OF GAINAS: Zos. v. 13-22, Soc. vi. 6, Soz. viii. 4, Syn. *de Prov.*, Claudian, *in Eutrop.* ii.

12. ANTHEMIUS: Soc. vii. 1; he was *CSL* in 400 (*CTh* i. x. 5) and *mag. off.* in 404 (*CTh* vi. xxvii. 14, x. xxii. 5, xvi. iv. 4), and is recorded as *PPO* from 405 (*CTh* vii. x. 1) to 414 (*CTh* ix. xl. 22), as patrician in 406 (*CTh* ix. xxxiv. 10) and 408 (*CTh* xii. xii. 14). PULCHERIA AUGUSTA: *Chron. Min.* ii. 71. Helio is recorded as *mag. off.* from 414 (*CTh* xiii. iii. 17) to 427 (*CTh* vii. viii. 14, xiii. iii. 18), and no other *magister* is known until Paulinus in 430 (*CTh* vi. xxvii. 23), Helio is called patrician in *CTh* vi. xxvii. 20 (426) and vii. viii. 14 (427), and crowned Valentinian iii (*Olymp.* 46).

13. VALERIUS: Malalas, 355, *CTh* vi. xxviii. 8, vii. viii. 16. CYRUS: Suidas, s.v. Κύριος, Malalas, 361-2: he is first recorded as *PPO* in 439 (Th. ii, *Nov.* xviii) and last in 441 (Th. ii, *Nov.* v. 3, *CJ* i. lv. 10); his fall is attributed to Chrysaphius in *V. Dan.* 31. For the story of the intrigues which led to the fall of Pulcheria and Eudocia we are dependent on Theophanes, A.M. 5940 (cf. Malalas, 356-8, for Eudocia). Theophanes' date (447-8) must be wrong, for Eudocia retired to Palestine, never to return, in 443 (see Bury, *Later Roman Empire*<sup>2</sup>, 229, n. 5, 230, n. 5). Chrysaphius' power is attested by Priscus (7, Χρυσάφιω τῷ βασιλέως ὑπασπιστῇ, οἷα δὴ τὰ μέγιστα δυναμένῳ, and in *A.C.Oec.* ii. i. 216, and by later authors such as John of Antioch (194) and Malalas (363).

Nomus' power and his friendship with Chrysaphius are attested by Priscus (13, *συνεπέμπετο δὲ Ἀνατολίῳ Νόμος οὐ διὰ τὸ μέγεθος τῆς τύχης μόνον, ἀλλὰ ὡς καὶ τῷ Χρυσάφῳ εὖνους ὄν*), Theodore Lector (cited in *A.C.Oec.* II. vi. 5, *Χρυσάφιος καὶ οἱ περὶ Νόμον τὸν ὑπατον ἐκθύμως τῷ Εὐτυχεῖ προσκειμένοι πείθουσι Θεοδοσίον κελεῦσαι σύνοδον γενέσθαι κατὰ τὴν Ἔφεσον*), and the petition of Cyril's nephews (*A.C.Oec.* II. i. 216, *τῷ τῆς ἀνοσίας μνήμης Χρυσάφῳ οὐ μὴν ἀλλὰ καὶ τῷ μεγαλοπρεπεστάτῳ καὶ ἐνδοξοτάτῳ Νόμῳ τότε τὰ τῆς οἰκουμένης ἐν χειρὶν ἔχοντι πράγματα*). While master of the offices he was given additional functions, control of the *limitanei* (Th. II, *Nov.* xxiv, 443) and the restoration of civic lands to the cities, the praetorian prefect, whose proper business it was, being ordered to act 'una cum viro inlustri magistro officiorum, cuius administratio probatissima nobis est' (Th. II, *Nov.* xxiii, 443). Theod. *Ep.* (PG) 110, *τοῦ μεγαλοπρεπεστάτου σπαθαρίου καὶ τοῦ ἐνδοξοτάτου ἀπὸ μαγίστρων*.

14. See ch. XV, n. 68.

15. DECURIONS AND THE SENATE: *CTh* XII. i. 159, 398, 180, 416, 183, 418, 187, 436, Th. II, *Nov.* xv. 1, 439, xv. 2, 444. All these are Eastern laws. The one Western law (XII. i. 155, 397) allows decurions who are *clarissimi* or *spectabiles* to remain in the senate, with children born to them after their promotion, and frees all sons of *illustres* from curial duties. Actual cases of sons of *curiales* who had held illustrious offices are cited in two laws of Leo (*CJ* x. xxxii. 61, 63).

16. EXECUTION OF FRAVITTA: Eunap. 85-6. FLORENTIUS AND SAPRICIUS: *CTh* I. viii. 1, 415. LUPIANUS: *CTh* XII. i. 175, 412. HYPATIUS: *CTh* I. vii. 4, 414, VIII. i. 15, 415. CONSTANS: *CTh* VII. xvii. 1, 412.

17. PERSIAN WAR (421-2): Soc. VII. 18, 20. EXPEDITION AGAINST JOHN: Olymp. 46. AFRICAN EXPEDITION (431): Proc. *BV* I. iii. 35-6. PRAESENTALES IN 441: Th. II, *Nov.* vii. 4. EXPEDITION AGAINST THE VANDALS (441): *Chron. Min.* I. 478; Theophanes (A.M. 5941) adds two other Germans; Germanus was not one of the regular *magistri* but was given the rank of *magister militum inter agentes* for the occasion (*CJ* XII. viii. 2). APOLLONIUS: *CJ* XII. liv. 4, Apollonio magistro militum praesentali et Anatolio magistro militum per Orientem (linked by Seeck with *CJ* I. xlvii. 3, 443); Apollonius was a friend of Zeno, the Isaurian *magister militum per Orientem* (Priscus, 18). ANATOLIUS: Priscus, 13, *τὸν μὲν Ἀνατόλιον τῶν ἀμφὶ βασιλεῖα ἄρχοντα τελῶν* (449). PLINTHAS: Soc. v. 23, Soz. VII. 17, Priscus, 1. JOHN THE VANDAL: *Chron. Min.* II. 80, cf. Joh. Ant. 206. ARNEGISCLUS: *Chron. Min.* II. 80, 82, Jordanes, *Rom.* 331, cf. Joh. Ant. 206. AGINTHEUS: Priscus, 8 (p. 78). PROCOPIUS: Soc. VII. 20, *CTh* VII. iv. 36, 424, Sid. Ap. *Carm.* II. 68 ff. DIONYSIUS: *A.C.Oec.* I. i. pars vii. 119-20, Priscus, 1 (a Thracian). ANATOLIUS: Th. II, *Nov.* iv, 438, Proc. *BP* I. ii. 12, *CJ* XII. liv. 4 (see above). ZENO: Priscus, 8 (p. 94), cf. 12, 13, 14, Joh. Ant. 199. Ardaburius and Areobindus seem from Socrates' language (VII. 18) to have been the *praesentales* in 421-2, Vibianus and Procopius being *magistri militum Orientis*. Ardaburius after commanding the expedition against John in 425 (Olymp. 46) and holding the consulship in 427 disappears from our record and may have soon died. He was probably succeeded as *praesentalis* by his son Aspar, who commanded the Vandal expedition of 431 (Proc. *BV* I. iii. 35-6). Areobindus and Aspar were certainly the two *praesentales* in 441 (Th. II, *Nov.* vii. 4). Areobindus may have retired soon after, if Apollonius was *praesentalis* in 443, as suggested above; he did not die till 449 (*Chron. Min.* II. 83). Aspar continued *praesentalis* till his assassination by Leo in 471.

18. For the family relationships of the German generals see *PW*, s.v. Ariovindus, Ardaburius, Plinthas. An interesting record of the group is a silver dish,

celebrating Aspar's consulship, and depicting Aspar, his father Ardaburius, Plinthis, and Aspar's son Ardaburius (later consul in 447), who is recorded as praetor (*ILS* 1299). For the intermingling of Romans and Germans see the family tree of the descendants of Valentinian I in Nicephorus, *Opuscula Historica* (ed. Teubner, pp. 103-4).

19. EASTERN AID FOR HONORIUS: Zos. vi. 8. For the other Eastern expeditions to the West see above n. 17.

20. Stilicho's guardianship of both the sons of Theodosius is attested by contemporary, but perhaps biased, western authors (Amb. *de ob. Theod.* 5, Claudian, *in Ruf.* ii. 4-6, *de III cos. Hon.* 157-8, *de IV cos. Hon.* 430-3, *de cos. Stil.* ii. 53-60), and by later Eastern historians (Olymp. 2, Zos. v. 4). For eastern Illyricum see Demougeot, *op. cit.* 143 ff.

21. The main authority for these events is Claudian, *in Ruf.* ii (Stilicho's Thessalian campaign, the return of the Eastern army and Rufinus' death), and *de IV Cos. Hon.* 459-83 (Stilicho's Peloponnesian expedition). For a detailed reconstruction see Demougeot, *op. cit.* 146-73. DESERTERS AND RECRUITS: *CTh* vii. xviii. 9, 396. ALARIC MAGISTER MILITUM OF ILLYRICUM: Claudian, *in Eutrop.* ii. 214-18, *de bello Getico*, 535-9.

22. The principal sources are Claudian, *de bello Gild.*, Orosius vii. xxxvi, Zos. v. 11. RECRUITS: *CTh* vii. xiii. 12-14, 397, Symm. *Ep.* vi. 58, 62, 64. THE EXPEDITIONARY FORCE: Claudian, *de bello Gild.* 415-23 (seven units named), Orosius, vii. xxxvi. 6 (5,000 men). GILDO MAGISTER UTRISQUE MILITIAE PER AFRICAM: *CTh* ix. vii. 9, 393. COMITIVA OF AFRICA RESTORED: *CTh* i. vii. 3, 398. BATHANARIUS: *CTh* ix. xlii. 18, 401, Zos. v. 37.

23. Demougeot, *op. cit.* 267 ff. The main source is Claudian, *de bello Getico* and *de VI cos. Hon.*

24. Zos. v. 26, Orosius, vii. xxxvii. VOLUNTEERS AND SLAVES: *CTh* vii. xiii. 16, 17, 406. ENROLMENT OF 12,000 BARBARIANS: Olymp. 9.

25. STILICHO AND ILLYRICUM: Olymp. 3, Soz. viii. 25, ix. 4. THE INVASION OF GAUL AND THE BRITISH TYRANTS: Zos. vi. 2, 3, Orosius, vii. xxxviii. 3, xl. 3, 4. ALARIC'S BLACKMAIL: Zos. v. 29.

26. CONSTANS IN SPAIN: Zos. vi. 4, Orosius, vii. xl. 7. THE FALL OF STILICHO: Zos. v. 31-4.

27. Zos. v. 35-42.

28. Zos. v. 44-51.

29. Zos. vi. 6-13, Soz. ix. 8, 9.

30. DEATH OF ALARIC: Jordanes, *Get.* 156-8. ATHAULF MOVES TO GAUL: Jordanes, *Get.* 158-61. EVENTS IN SPAIN: Zos. vi. 5, Orosius, vii. xl. 7-10, xlii. 4, Soz. ix. 12, 13, Olymp. 16.

31. BRITAIN AND ARMORICA: Zos. vi. 5, cf. 10; Rut. Nam. *de red. suo*, i. 213-16.

32. Orosius, vii. xlii. 1-5, Olymp. 16, Soz. ix. 13-5.

33. Olymp. 17, 19-21, 24, Orosius, vii. xliii. 1, *Chron. Min.* i. 467; for the Alans see Paul. Pell. *Euch.* 377-85.

34. Hydatius, 49, 60, 63, 67-8 (*Chron. Min.* ii. 18-19), Olymp. 31.

35. For the settlement of the Goths in Aquitania see n. 65. BACAUDAE: Rut. Nam. *de red. suo*, i. 213-16.

36. *Chron. Min.* i. 471-2, 475-7, 660.

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37. SETTLEMENTS: *Chron. Min.* I. 660 (cited in n. 66). BACAUDAE: *V. Germani*, 28, 40.

38. Hydatius, 71, 74, 77, 86, 89, 90 (*Chron. Min.* II. 20-1).

39. *Chron. Min.* II. 21-7.

40. HERACLIAN: Orosius, VII. xlii. 10-14. BONIFACE: *Chron. Min.* I. 471-2. The story of Boniface's invitation of the Vandals (Proc. *BV* I. iii. 25, Jordanes, *Get.* 167-9) is now generally rejected in view of the silence of Augustine and Possidius (see Stein, *Bas-empire*, I. 575, for the modern literature). THE VANDAL INVASION: Poss. *V. Aug.* 28. SETTLEMENT OF 435: *Chron. Min.* I. 474, Isid. *Hist. Vand.* 74.

41. CAPTURE OF CARTHAGE: *Chron. Min.* I. 477. SETTLEMENT OF 442: *Chron. Min.* I. 479, Victor Vit. I. 13. For the territorial arrangements in 435 and 442 see Courtois, *Les Vandales et l'Afrique*, 170, 174-5.

42. On this vexed question I side with Bury and Stein; for the literature see Stein, *Bas-Empire*, I. 580, n. 61. The sources are Zos. VI. 10 (Honorius' letter to the British cities), *V. Germani*, 12-18 (Germanus' first visit, cf. *Chron. Min.* I. 472 for the date), *ibid.* 25-7 (Germanus' second visit), *Chron. Min.* I. 660 (the Saxon conquest of 442), Gildas, *de excidio et conquestu Britanniae*, 20 (the appeal to Aetius).

43. This very conjectural reconstruction is mainly based on the self-contradictory data of the Notitia Dignitatum (see App. II, pp. 355-7). For the *comes Illyrici* see Zos. v. 46, and for Chariobaudes, Zos. v. 32.

44. For this paragraph also see App. II. ASTERIUS: *Chron. Min.* II. 20. There is no clearly attested *magister per Gallias* until Cassius about 428 (*V. Hilarii*, vi §9). The *magistri utriusque militiae* operating in Spain are Asturius in 441-3, Mero-baudes in 443 and Vitus in 446 (*Chron. Min.* II. 24; Asturius' title is confirmed by ILS 1300). A *comes Hispaniarum*, Mansuetus, reappears in 453 (*Chron. Min.* II. 27). I base my belief that the Spanish command was temporarily upgraded on my restoration of Honorius' letter to the troops of Spain (*Estudios de Edad Media de la Corona de Aragon, sec. de Zaragoza*, I, 1945, 268-9), sent 'cum Savinianus patricius qu(o)dam tempore erede (sic) praelatus in Hispaniam profectus est ob infestationem diversarum gentium barbararum: Honorius imperator gloriosus, perpetuus triumphator, semper a(u)gustus universis militibus nostris, <Ascariis> senioribus, iunioribus, <Sagittariis Neruiis,> Speculatoribus, <Exculcatoribus iunioribus, Tubantibus, Felicibus senioribus, Invictis senioribus, Victoribus iunioribus, Invictis iunioribus> [ac] Brita(n)nicis gaude(a)t(i)s sanctissimi co(m)militones nostri communium remuneratione meritum, et omnes iuxta exultatione gaude(a)t(i)s. hi(c) enim maxime est splendor inlustris qui pari cunct(o)s luce perfu(n)dit. a(d) vos quo(que) magnific(i) comites [h]ac magistri utriusque militi(a)e ad similitudine(m) <Galliarum sunt provisione> nostr(a)e clementi(a)e constituti. constituta si(n)t vobis stipendia Galli(c)an(o)rurum, qu(a)e const(antia)e vestr(a)e porreximus ut e(or)undem (una) esset forma virtutis quibus ex(c)ellens una devotio est. proinde instructis sim(ul at)que nobis cuncta subdita sunt in (Hi)spania, et ampli<fi>cat<ionem annonarum> congru(a)m et dignitatis augmentum qu(a)e serenitas nostra (vestris) praestiterit usibus gratanter agnosc(e)mus. ut ubi (otio) vivendi degendique tempus extiterit omni alacritate atque virtute (o)b(l)atis (h)ospitiis obsequamini; qua propter fore quidem confidimus ut (mun)eris resoluti(o) incitet potius quam restinguat ardorem. opt(a)mus conmlitones nostros per multos annos (b)ene agere. et alia manu. bene ualete.



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45. ULDIN: Soz. ix. 5, cf. *CTb* v. vi. 3, 409, for the Scirae. AUSTURIANS: Syn. *Catastasis* i. ISAUARIANS: Joh. Chrys. *Ep.* 13 (garrison at Cucusus), 14 (garrison at Caesarea), 15 (Arabissus), cf. also 61, 69, 70, 72, 74-6, 120, 127, 131, 135, Theod. *Hist. Rel.* x, Jerome, *Ep.* 114, Philostorgius, xi. 8. COMES DIOECESEOS PONTICAE: *CTb* vi. xiii. 1, 413.

46. PERSIAN WAR: Soc. vii. 18-20. HUNNIC WAR: *Chron. Min.* ii. 75; the terms of a previous treaty are mentioned in the negotiations of 434 (Priscus, 1), and this seems an appropriate date for the first treaty.

47. SUPPRESSION OF JOHN: Olymp. 46. AFRICAN EXPEDITION: Proc. *BV* i. iii. 35-6. TREATY WITH THE HUNS: Priscus, 1.

48. AFRICAN EXPEDITION: *Chron. Min.* i. 478, Theophanes, *A.M.* 5941. PERSIAN WAR: *Chron. Min.* ii. 80. HUNNIC WAR AND TREATY: *Chron. Min.* ii. 80-1, Theophanes, *A.M.* 5942, Priscus, 2, 3, 5.

49. HUNNIC WAR: *Chron. Min.* ii. 82; the new clause in the treaty is mentioned in Priscus, 7. CHRYSAPHIUS' PLOT: Priscus, 7-8. THE NEW TREATY: Priscus, 14.

50. The story of Honoria is told in Joh. Ant. 199 and referred to in Priscus, 16. For Attila's invasion of the West we are mainly dependent on Jordanes, *Get.* 180 ff.

51. Victor Vit. i. 1.

52. BURGUNDIANS: Jerome, *Chron.* 373, Orosius, vii. xxxii, 11: when they were almost exterminated by the Huns, 20,000 (fighting men?) are said to have been killed (*Chron. Min.* i. 475, ii. 23). GOTHs: Eunap. 42. It has been argued from Ammianus, xxxi. xii. 3, *incertum quo errore procuratoribus omnem illam multitudinis partem quam viderunt in numero decem milium esse firmantibus*, that the Gothic host at Adrianople must have been not greatly in excess of 10,000. But Ammianus clearly indicates that the scouts' estimate was wildly wrong. As appears from the following narrative the Goths were not yet concentrated and the scouts no doubt saw one group only. VISIGOTHS IN 393: Jordanes, *Get.* 145.

53. BURGUNDIANS: Olymp. 17, *Chron. Min.* i. 467 (west of the Rhine), Soc. vii. 30 (east of the Rhine). ALANS: Orosius, vii. xliii. 14, *Chron. Min.* ii. 17 ff. (in Spain), Olymp. 17 (with the Burgundians), Paul. Pell. *Euch.* 377-85 (with the Visigoths), *Chron. Min.* i. 660 (settled at Valentia and in Gallia ulterior); the latter are probably Goar's group, mentioned in *V. Germani*, 28, and later found at Orleans (Jordanes, *Get.* 194).

54. ALANS JOIN THE VANDALS: *Chron. Min.* ii. 19, cf. the official title of the later Vandal kings (Victor Vit. ii. 39, iii. 3). THE FEDERATES AND SLAVES JOIN ALARIC: Zos. v. 35 and 42 (giving the total 40,000).

55. Radagaesus' horde is put at 400,000 by Zosimus (v. 26) and at 200,000 by Orosius (vii. xxxvii. 4, cf. *Chron. Min.* ii. 68 and Jordanes, *Rom.* 321); Augustine says 100,000 were killed at Faesulae (*Civ. Dei*, v. 23). These figures are not wholly incredible, seeing that the 12,000 men enrolled by Stilicho in his forces were a very small proportion of the survivors (Olymp. 9, Zos. v. 26) and that the remaining captives were so numerous that they were sold off at one solidus a head (Orosius, vii. xxxvii. 16), as against the normal price of 20 solidi for an adult male (see ch. XXI, n. 68). The tribes which crossed the Rhine are said by Orosius to have comprised the Sueves, Vandals (two tribes, the Asdings

38 VI. THE HOUSE OF THEODOSIUS (pp. 196-201)

and the Silings) and Alans, and many others with them (vii. xl. 3; in vii. xxxviii. 3 he adds the Burgundians).

56. For this and the following paragraphs see App. II, pp. 357-8.

57. THE THIRTY REGIMENTS AT FAESULAE: Zos. v. 26. DISPERSION OF THE ROMAN FORCES: Zos. v. 36, ἡ πολεμὴν αἰρούμενον πάντα συναγαγεῖν ὅσα στρατιωτῶν τάγματα ἦν, cf. 35, οἱ ταῖς πόλεσιν ἐνδρυμένοι στρατιῶται, 45, τοὺς στρατιώτας πάντας, ἱππέας τε καὶ πεζοὺς, ὅσοι κατὰ τὰς πόλεις ἦσαν.

58. Stilicho's withdrawal of troops from the Gallic army is described in Claudian, *de bello Getico*, 400 ff.

59. See App. II, pp. 357-8.

60. SENATORIAL RESISTANCE TO CONSCRIPTION: *CTh* vii. xiii, 13 and 14, 397, cf. Vegetius, i. 7, indicti possessoribus tirones per gratiam aut dissimulationem probantium tales sociantur armis quales domini habere fastidiunt.

61. HUNS USED AGAINST RADAGAESUS: Zos. v. 26, Orosius, vii. xxxvii. 12; summoned in 409, Zos. v. 50; obtained by Aetius for John, Greg. Tur. *HF* ii. 8, Philostorgius, xii. 14, *Chron. Min.* i. 471, 658; by Aetius again in 433, *Chron. Min.* i. 473, 658; used by Aetius against the Burgundians, *Chron. Min.* i. 475, by Litorius against the Visigoths, *Chron. Min.* i. 475-6, ii. 23.

62. Sarus first appears as a *dux Gothorum* serving under Stilicho against Radagaesus (Orosius vii. xxxvii. 12), then in 408 as *στύφους βαρβάρων ἡγούμενος* still under Stilicho (Zos. v. 30). He then turned against Stilicho (Zos. v. 34); he is described as *τῶν ἄλλων συμμάχων προέχων* and massacred Stilicho's bodyguard *μετὰ τῶν ὑπ' αὐτὸν τεταγμένων βαρβάρων*. In 410 he was at large in Picenum with 300 followers, having quarrelled with Honorius (Zos. vi. 13, Olymp. 3, Soz. ix. 9). He took service under Honorius again, but again quarrelled with him and ended his life in Gaul with only a score of followers (Olymp. 17). He may have been the leader of one of the groups of Goths who deserted Alaric after Verona (Claudian, *de cos. VI Hon.* 250-3). ENROLMENT OF PRISONERS: Zos. v. 26, Olymp. 9. FEDERATES NEARLY 30,000 IN 408: Zos. v. 35. FOEDERATI AND DEDITICII: *CTh* vii. xiii. 16, 406, praecipue sane eorum servos, quos militia armata detentat, foederatorum nihilo minus et dediticiorum. FEDERATES MADE INTO REGULARS: Orosius, vii. xl. 7, cum barbaris quibusdam qui quondam in foedus recepti atque in militiam allecti Honoriaci vocabantur.

63. For the Huns in Gaul see above n. 61. For the Goths in Spain, *Chron. Min.* ii. 19, 20, 24, 28 ff. CONSCRIPTION: Val. iii, *Nov.* vi. 1, 440 (a levy of recruits from landowners and a round-up of deserters), cf. v, 440 (exemption for citizens of Rome), vi. 2, 443 (a new levy of recruits from senators and other landowners in the Suburbicarian provinces). On the other hand in Val. iii, *Nov.* vi. 3, 444, the levy is commuted for money. THE ROMAN ARMY MUSTERED AGAINST ATTILA: Jordanes, *Get.* 191, hi enim adfuerunt auxiliares: Franci, Sarmatae, Armoriciani, Liticiani, Burgundiones, Saxones, Ripari, Olibriones, quondam milites Romani, tunc vero iam in numero auxiliarium exquisiti, aliaeque nonnullae Celticae vel Germanicae nationes.

64. Val. iii, *Nov.* xv, 444, ut ipso experimento non modo his qui novis sacramentis obligantur, sed ne veteri quidem exercitui quae ab exhaustis aegerrime conferuntur ad victum vel ad vestitum posse praebere; quos nisi indigna et pudenda armato homini negotiatio aluerit, vix possunt a famis periculo et a frigorum perniciē vindicari.

65. Alaric's most extravagant demand (Zos. v. 48) was χρυσίον μὲν ἔτους ἑκάστου δίδοσθαι τι ἔρητον καὶ σίτον τι χορηγεῖσθαι μέτρον, οἰκεῖν δὲ αὐτὸν ἅμα τοῖς σὺν αὐτῷ πᾶσι Βενετίας ἄμφοι καὶ Νωρικὸς καὶ Δελματῖαν. He later reduced this to (Zos. v. 50) μόνους ἄμφοι Νωρικούς, ἐν ταῖς ἐσχατιαῖς πον τοῦ Ἰστρον κειμένους συνεχεῖς τε ὑφισταμένους ἐφόδους καὶ εὐτελεῖ φόρον τῷ δημοσίῳ εισφέροντας, καὶ σίτον ἐπὶ τοῦτοις ἔτους ἑκάστου τοσοῦτον ὅσον ἀρκεῖν ὁ βασιλεὺς οἰηθείη. Athaulf certainly did not receive any land and his only complaint was that the corn which had been stipulated was not provided (Olymp. 20, 21). Wallia is stated to have received 600,000 *modii* of corn (Olymp. 31); if this was an annual allowance it would feed 15,000 men. SETTLEMENT OF THE VISIGOTHS: *Chron. Min.* i. 469, Constantius patricius pacem firmat cum Vallia data ei ad habitandum secunda Aquitanica et quibusdam civitatibus confinium provinciarum. Philostorgius (xii. 4) says that the Goths made their treaty *συνήσεσσι τε δεξιωθέντες καὶ μοῖραν τινα τῆς τῶν Γαλατῶν χώρας εἰς γεωργίαν ἀποκληρωσάμενοι*. The grant both of *annonae* and of land seems improbable; perhaps the *annonae* were a temporary grant, until the next harvest. For the later system of *hospitalitas* see pp. 248-53.

66. THE ALANS: *Chron. Min.* i. 660 §440, deserta Valentinae urbis rura Alanis quibus Sambida praeerat partienda traduntur; §442, Alani quibus terrae Galliae ulterioris cum incolis dividendae a patricio Aetio traditae fuerunt, resistentes armis subigunt et expulsis dominis terrae possessionem vi adipiscuntur. THE BURGUNDIANS: *ibid.* §443, Sapaudia Burgundionum reliquis datur cum indigenis dividenda. For Honorius' letter see above n. 44. THE OLIBRIONES: Jordanes, *Get.* 191 (cited in n. 63).

67. See App. II, Table XV.

68. NUMBER OF GAINAS' GOTHS: Zos. v. 19, Syn. *de Prov.* ii. 2. GAINAS DISPERSES THE REGULAR TROOPS: Zos. v. 18.

69. THE SCIRAE: *CTh* v. vi. 3, 409, cf. Soc. ix. 5. THRACIAN RECRUITS: Pall. *Dial.*, p. 57.

70. THE UNIGARDI: Syn. *Catastasis* i, ii, *Ep.* 78. COMPLAINTS OF RUA AND ATTILA: Priscus, i, 2, 3, 5, 6, 14. THE ISAUFIANS: Priscus, 6, 8 (p. 94).

71. LIMITANEI: Th. ii, *Nov.* iv, 438, xxiv, 443.

72. WALLS OF ANTHEMIUS: Soc. vii. 1, *CTh* xv. i. 51, 413; STRENGTHENED BY CYRUS: *Chron. Pasch.* 583; BY CONSTANTINE: *ILS* 823, *Chron. Min.* ii. 82.

73. TAX REMISSIONS: *CTh* xi. xxviii. 7, 413, 12, 418 (Suburbicarian provinces), Val. iii, *Nov.* i. 2, 440 (Sicily), xiii, 445 (Numidia and Mauretania).

74. LEVY ON RENTS: *CTh* xi. xx. 3, 405 (S); ON GRANTEES OF IMPERIAL LANDS: *CTh* xi. xx. 4, 423. SILIQUATICUM: Val. iii, *Nov.* xv (444).

75. FISCAL PRIVILEGES CURBED: Val. iii, *Nov.* iv, 440, x, 441.

76. SORDIDA MUNERA: Val. iii, *Nov.* x §3, 441.

77. REMISSIONS OF ARREARS: Val. iii, *Nov.* i. 1, 438, 3, 450.

78. REMISSIONS OF ARREARS: *CTh* xi. xxviii. 9, 414; cf. 10, 415; 16, 433. LEVY ON GRANTEES OF IMPERIAL LANDS: *CTh* xi. xx. 5, 424.

79. ANTIOCHUS' LAW: *CTh* xi. xx. 6, 430. The levy of 443 is mentioned by Priscus, 5, *δασμὸν εἰσπραττομένους καὶ τοὺς κατὰ χρόνον τινα τὴν βαρυτάτην κομφισθέντας τῆς γῆς ἀποτίμησιν εἴτε δικαστῶν κρῖσει εἴτε βασιλέων φιλοτιμίαις*, and in Th. ii, *Nov.* xxvi, 444.

80. LEVY ON SENATORS: Priscus, 5, *συνεισέφερον δὲ ἔρητον χρυσίον καὶ οἱ ἐν τῇ γερονσίᾳ ἀναγεγραμμένοι ὑπὲρ σφῶν αὐτῶν ἀξίας*.

81. See ch. XIII, nn. 137-8.

82. See p. 439.

83. Val. III, *Nov.* xiii, 445, hunc tributi modum ab his magnitudo tua sperandum esse cognoscat, ut retractis septem partibus octavam . . . possessor agnoscat, pro qua octava omnibus titulis ad unum redactis . . . quattuor milia ducentos tantum solidos et mille ducentas militares annonas et ducentum capitum Numida provincialis exsolvat, §3 has autem militares annonas cum provinciales pro longinqui difficultate itineris in adaeratione persolverint, unius annonae adaeratio quattuor per annum solidis aestimetur, §5, Mauri vero Sitifenses . . . pro omnibus titulis totius annonae nomine quinque milia solidorum et quinquaginta capitum in annonis ducis consueto tempore annua functione dependant, pro octava parte soluturi quod tributum erit, Maj. *Nov.* ii. §3, 458, et quia totum pro remedio possessoris serenitas nostra constituit, quem tributorum gratia solvendorum fruges suas sub opportunitate vendentem volumus per temporis intervalla refoveri, trina per annum vice singularum indictionum quantitas speranda solvatur et quadrimenstruis inflationibus annuae functionis celebretur exactio.

84. See ch. XII, n. 64, XVI, n. 5, XVII, nn. 47-8, XIII, n. 120

85. PAGANS EXCLUDED FROM IMPERIAL SERVICE: ZOS. v. 46, *CTh* XVI. v. 42, 408, x. 21, 416. ARCADIUS AND GAZA: *V. Porph.* 41; earlier he (or rather his ministers) had enacted laws against sacrifices, pagan priests and temples, *CTh* XVI. x. 13, 395, 14, 396, 16, 399. THEODOSIUS II'S ANTI-PAGAN LAWS: *CTh* XVI. x. 22, 23 and 24, 423, 25, 435. Honorius' earlier laws (*CTh* XVI. x. 15, 17 and 18, 399), while maintaining the ban on sacrifice, protect the temples and maintain the festivals. LAW OF 407: *Sirm.* 12; of 415, *CTh* XVI. x. 20.

86. *Hist. de l'Église*, IV. 79-128. There is a useful collection of documents relating to the Pelagian controversy in *PL* XLV. 1679-1792.

87. On Augustine and the Donatists, see W. H. C. Frend, *The Donatist Church*, 227 ff., G. G. Willis, *St. Augustine and the Donatist Controversy*.

88. The story of the election of Boniface is told in the interesting series of documents *Coll. Avell.* 14-37.

89. The dossier of the Apiarius case is contained in *Cod. Can. Eccl. Afr. ad init.* and 127-38 (*C. Carth.* VI, VII).

90. See pp. 888-9.

91. See pp. 889-90.

92. Leo, *Ep.* 12.

93. See pp. 890-1.

94. *Hist. de l'Église*, IV. 129-48. We have a first-hand account of Chrysostom's career in Palladius, *Dialogus*, and full narratives in Soc. VI. 2-23, VII. 25, 45, Soz. VIII. 2-28; also a summary of the acts of the Council of the Oak in Photius, *Bibliotheca*, 59 (*PG* CIII. 105-13).

95. *Hist. de l'Église* IV. 163-96. The acts of the first Council of Ephesus and the documents relating to the controversy which preceded and followed it are printed in *A.C.Oec.* I.

96. *Hist. de l'Église*, IV. 211-24. The acts of the second Council of Ephesus survive in a Syriac translation (English translation in S. G. F. Perry, *The Second Council of Ephesus*, 1881). Part of the acts of that council and of the proceedings antecedent to it were cited at Chalcedon and are preserved in its acts (see *A.C.Oec.* II. vi. 115, for a list of the relevant passages).

1. MARCIAN'S PREVIOUS CAREER: Evagr. II. 1; Theodosius named him according to Malalas, 367, and *Chron. Pasch.* 589. APPOINTMENT OF ARDABURIUS: Priscus, 20.
2. EXECUTION OF CHRYSAPHIUS: *Chron. Min.* II. 83, Malalas, 368. REFUSAL OF TRIBUTE TO ATTLA: Priscus, 15. SETTLEMENTS OF BARBARIANS: Jordanes, *Get.* 265-7. Theoderic Strabo and his Goths are first recorded in Jordanes, *Get.* 270; he was, according to Theophanes, A.M. 5964, Aspar's brother-in-law, but in A.M. 5970, nephew of Aspar's wife.
3. ABOLITION OF THE FOLLIS: *CJ* XII. ii. 2. THE PRAETORSHIP: *CJ* I. xxxix. 2, 450. THE CONSULSHIP: *CJ* XII. iii. 2 (451). REMISSION OF ARREARS: Marc. *Nov.* ii, 450. THE RESERVE: Joh. Lydus, *Mag.* III. 43.
4. For this and the following paragraphs see *Hist. de l'Église*, IV. 224-40. The acts of Chalcedon and the documents relating to it are printed in *A.C.Oec.* II.
5. Leo's accession is described in Const. Porph. *Cer.* I. 91; he is there described as *comes* and tribune of the Mattiarii. He is called Aspar's nominee in Jordanes, *Rom.* 335, Proc. *BV* I. v. 7, Priscus, 20, Candidus, 1; his earlier service under Aspar is attested only by Zonaras, XIII. 25, *κτησέων αὐτοῦ, ὡς λέγεται, προνοούμενον*, and Theophanes, A.M. 5961, *κουράτωρα αὐτῶν ὄντα*.
6. Jordanes, *Get.* 270-1, Priscus, 28, *Chron. Min.* II. 92.
7. QUARRELS OF LEO AND ASPAR: Candidus, 1, Priscus, 35.
8. *V. Dan.* 55. For the Excubitors see ch. XVII, n. 117.
9. *V. Dan.* 65. THE EXPEDITION AGAINST THE VANDALS: Proc. *BV* I. vi.
10. BIRTH OF LEO II: *V. Dan.* 66. PATRICIUS CAESAR: Theophanes, A.M. 5961.
11. ANAGAST: Joh. Ant. 206.2. ARDABURIUS AND THE ISAURIANS: Candidus, 1.
12. MURDER OF ASPAR AND REVOLT OF OSTRYS: Candidus, 1, Malalas, 371-2, Theophanes, A.M. 5963-4. REVOLT OF THEODERIC STRABO: Malchus, 2.
13. Jordanes, *Get.*, 283-7.
14. *CJ* XII. lix, 10 §5 (471-2).
15. COST OF THE VANDAL EXPEDITION: Candidus, 2, Joh. Lydus, *Mag.* III. 43, Proc. *BV* I. vi. 2. LEO'S CONFISCATIONS: Malchus, 2a.
16. LEO II CROWNS ZENO: Malalas, 376, Candidus, 1, *V. Dan.* 67. Leo II had already been crowned by his father (Const. Porph. *Cer.* I. 94).
17. REBELLION OF BASILISCUS: Candidus, 1, Joh. Ant. 210, *V. Dan.* 68-9, Malchus, 7, 8, Theophanes, A.M. 5967-9. THE ENCYCLICAL: Evagr. III. 4. There is a vivid account of the riots which followed in *V. Dan.* 70-85. Basiliscus was forced to recant in an Antencyclical (Evagr. III. 7).
18. Malchus, 11, 14, 15.
19. Malchus, 15, 16.
20. Malchus, 17, 18.
21. Malchus, 18.
22. Joh. Ant. 211. 2-5.
23. THE HENOTIKON: Evagr. III. 14.
24. ILLUS MADE MAGISTER MILITUM PER ORIENTEM: Malalas, 387-8. THEODERIC MADE PRAESENTALIS: *Chron. Min.* II. 92. DEATH OF RECITACH: Joh. Ant. 214.3. ILLUS' NEGOTIATIONS: Joh. Ant. 214.2.

25. MISSION OF LEONTIUS: Josh. Styl. 14. ZENO DISMISSES ILLUS: Joh. Ant. 214.1. VERINA PROCLAIMS LEONTIUS: Joh. Ant. 214.2, Malalas, *Exc. de Insid.* 35.
26. JOHN THE SCYTHIAN: Malalas, 389, Theophanes, A.M. 5976. THEODERIC KEPT BACK: Joh. Ant. 214.4; his troops nevertheless took part in the expedition (Joh. Ant. 214.6); the Rugians are mentioned in both passages. THE SATRAPIES: Proc. *Aed.* III. i. 24-6; the *comes Armeniae* (CJ I. xxix. 5, Proc. *Aed.* III. i. 14-15) does not appear to have existed under Leo (CJ XII. lix. 10 §5).
27. THEODERIC: *Chron. Min.* II. 93, Jordanes, *Get.* 291-2, Joh. Ant. 214.7, Proc. BG I. i. 10-12, II. vi. 16. COTTOMENES: Joh. Ant. 214.6. The Isaurian subsidy was abolished by Anastasius; John of Antioch gives the figure 1,400 lb. gold (*Exc. de Insid.* 100), Evagrius (III. 35) makes it 5,000 lb.
28. ZENO'S FINANCIAL POLICY: Malchus, 6 (Erythrius), 9 (Sebastianus); for his system of *suffragia* see pp. 394-5.
29. ACCESSION OF ANASTASIUS: Const. Porph. *Cer.* I. 92: his rank is given as decurion of the silentiaries in Zach. Myt. *Chron.* VII. 1. LONGINUS' AMBITION: Evagr. III. 29.
30. Joh. Ant. *Exc. de Insid.* 100, Malalas, *Exc. de Insid.* 37, Theophanes, A.M. 5985-8.
31. BULGARS: Marcell. com. 493, 499 (*Chron. Min.* II. 94-5), Theophanes, A.M. 5994. THE LONG WALL: Evagr. III. 38, Proc. Gaz. *Pan.* 21, Just. *Nov.* xxvi. pr., 535.
32. Josh. Styl. 18-23, 48-53, Proc. BP I. vii, *Aed.* III. ii. 4-8.
33. Josh. Styl. 54, 70, 77, Proc. BP I. viii. 1-5.
34. Proc. BP I. viii, ix. DARA: Proc. BP I. x. 13-17, *Aed.* II. i. 4-10, Zach. Myt. *Chron.* VII. 6.
35. WILD BEAST FIGHTS AND MIMES: Josh. Styl. 34, 46, Proc. Gaz. *Pan.* 15, 16. EUPHEMIUS AND THE CORONATION: Evagr. III. 32.
36. For a contemporary account of the proceedings against Macedonius see Zach. Myt. *Chron.* VII. 8.
37. Events at Jerusalem are vividly described in Cyr. Scyth. *V. Sabae*, 56.
38. *Chron. Min.* II. 97-8, Malalas, 407-8.
39. Joh. Ant. *Exc. de Insid.* 103, Malalas, 402-6, Theophanes, A.M. 6005-7, *Chron. Min.* II. 98-9. The most detailed account is that of John of Antioch, who gives the figure of 50,000 for Vitalian's force (*πολεμικῶν τε καὶ ἀγροίκων ἀνδρῶν*) and 80,000 for Hypatius' army. Vitalian's post is nowhere defined. He is called *comes* in Victor Tonnennensis (*anno* 510, *Chron. Min.* II. 194), and that he was *comes foederatorum* is inferred from John's statement that his original grievance was about *τῶν καλουμένων φοιδερατικῶν ἀννωνῶν*, and that he next intrigued with the regular troops (*τοῖς περὶ τὴν Σκυθίαν καὶ Θράκην πληροῦσι τάγματα*). His men are described as Huns in John (Malalas adds Goths).
40. The correspondence between Anastasius and Hormisdas is in *Coll. Avell.* 107 ff.
41. MARINUS: Joh. Lydus, *Mag.* III. 36, 46, 49, Zach. Myt. *Chron.* VII. 9, Malalas, 400, Cyr. Scyth. *V. Sabae*, 54. He instituted the *vindices* (Joh. Lydus, *Mag.* III. 46, 49); cf. Just. *Ed.* xiii §15 (reorganization of the civic finances of Alexandria by Potamo, the *vindex*, under Anastasius, *ἦνικα Μαριανὸς (sic) ὁ τῆς ἐνδόξου μνήμης ἐπ' αὐτῷ τὰ πράγματα ἐπράττε*). POLYCARP: Joh. Lydus, *Mag.* III. 36. JOHN THE PAPHLAGONIAN: Malalas, 400.

42. The name of the praetorian prefect who issued the edict limiting tax *sportulae* to one *siliqua* per *ingum* (Zachariä von Lingenthal, *Ἀνέκδοτα*, 271, no. xiii) is not given, but this edict is among a series issued by Zoticus, Eustathius and Constantine, who all held office under Anastasius. MILITARY PAY: *CJ* XII. xxxvii. 16. FEES OF LIMITANEI: *SEG* IX. 356 (Libya), cf. the Syrian and Palestinian inscriptions giving elaborate schedules of payments relating to the *limitanei* (Wadd. 2033, *Princeton Exp. Syria*, 20, 562, Alt, *Die griechischen Inschriften der Palaestina Tertia*, 1-4). RETURNS OF MILITARY STRENGTH: *CJ* I. xlii. 1, 2.

43. For *χρυσотέλεια τῶν λόγων* and *συνωνή* see ch. XIII, n. 120. MOVEMENTS OF TROOPS: *CJ* I. xxix. 4. TROOPS FOR SPECIAL DUTIES: *CJ* XII. xxxvii. 17, 19.

44. For the *vindices* see above, n. 41 and ch. XIII, n. 111.

45. See pp. 443-4.

46. PARCA SUBTILITAS: *CJ* II. vii. 25 pr., 519. THE ARMY: Priscian, *Pan.* 204-5, cf. Josh. Styl. 54, and Joh. Ant. *Exc. de Insid.* 103, for the numbers. PUBLIC WORKS: Proc. Gaz. *Pan.* 7, 18-20, Joh. Lydus, *Mag.* III. 47, Malalas, 406, 409, Josh. Styl. 87 (Edessa), 89 (Batnae), Zach. Myt. *Chron.* VII. 6 (Dara).

47. Anastasius insisted that all reductions or remissions of taxation must be personally approved by himself (*CJ* x. xvi. 13, 496); he almost yielded to a request of Saba on behalf of Jerusalem, but was checked by Marinus (Cyr. Scyth. *V. Sabae*, 54). REMISSIONS IN MESOPOTAMIA: Josh. Styl. 39, 42 (locusts), 66, 78, 92 (cost of the army), 99 (Amida, Edessa). RANSOM OF PRISONERS: Marcell. com. 517 (*Chron. Min.* II. 100).

48. For the *collatio lustralis* and the *patrimonium* see pp. 424-5 (ch. XIII, n. 36). CAPITATIO HUMANA ET ANIMALIUM: Joh. Ant. *Exc. de Insid.* 103, *τῆς ὑπὲρ τῶν ζώων εισφορᾶς τετάρτην περιελὼν μοῖραν τοῦ Βιβνῶν τε καὶ Ἀσιανῶν ἔθνοος*, Joh. Lydus, *Mag.* III. 47, *ὅτι δὲ μόνος αὐτὸς μετὰ Κωνσταντῖνον τὴν τῶν ψυχῶν ἐκούφισε δασμολογίαν, εἰ καὶ μὴ πᾶσαν, οὐδὲ γὰρ ἐφθασε*.

49. Proc. *HA* xix. 7.

## VIII. THE FALL OF THE WESTERN EMPIRE (pp. 240-2)

1. Joh. Ant. 201, cf. Sid. Ap. *Ep.* II. 13.

2. AVITUS MAGISTER MILITUM: Sid. Ap. *Carm.* VII. 375-8; ELECTED EMPEROR: *ibid.* 489 ff.; AT ROME: Joh. Ant. 202. RICIMER IN SICILY: *Chron. Min.* II. 29, Sid. Ap. *Carm.* II. 360 ff. (a Sueve). REMISTUS: *Chron. Min.* I. 304. FALL OF AVITUS: Joh. Ant. 202, Greg. Tur. *HF* II. 11.

3. On the complex problem of Majorian's accession see Stein, *Bas-Empire*, I. 596, n. 49.

4. Stein, *op. cit.* I. 377-80.

5. Stein, *op. cit.* I. 380-2.

6. ANTHEMIUS: Sid. Ap. *Carm.* II. 67-93 (father Procopius), 94-5 (maternal grandfather Anthemius), 199-209 (*mag. mil.* and *cos.*), 193-7, 481-2 (husband of Euphemia). RICIMER MARRIES HIS DAUGHTER: Sid. Ap. *Ep.* I. 5 §10.

7. Proc. *BL* I. vi.

44 VIII. THE FALL OF THE WESTERN EMPIRE (pp. 243-9)

8. Stein, *op. cit.* 391-3.

9. Joh. Ant. 209.1, Ennod. *V. Epiph.* 343-9.

10. Joh. Ant. 209.2. ORESTES' SERVICE UNDER ATTLA: Priscus, 7, 8 (pp. 78, 84), Anon. Val. 38.

11. C. E. Stevens, *Sidonius Apollinaris and his age*, 207-11.

12. BASILIUS: Maj. *Nov.* ii, vi, vii, 458, Sev. *Nov.* i, 463, ii, 465; cf. Sid. Ap. *Ep.* i. 9. The law on the *laeti* is Sev. *Nov.* ii, 465.

13. Proc. BG I. i. 1-8, Anon. Val. 37-8, Jordanes, *Get.* 242-3.

14. Malchus, 10; for the *regalia* see Anon. Val. 64.

15. On Odoacer's constitutional position see *JRS* LII (1962), 126-30.

16. THE VANDALS: Victor Vit. i. 13. THE VISIGOTHS IN SPAIN: *Chron. Min.* ii. 32, Nepotianus Theuderico ordinante Arborium accepit successorem, cf. ii. 281 for Roman resistance. THE SUEVES SUBDUED BY THEODERIC: Jordanes, *Get.* 229-34, *Chron. Min.* ii. 28-9; for their continued resistance see *Chron. Min.* ii. 29-35. THE VASCONES: Joh. Biclar. 581 (*Chron. Min.* ii. 216), Leovegildus rex partem Vasconiae occupat et civitatem quae Victoriacum nuncupatur condidit. VISIGOTHIC CONQUEST OF BOURGES AND AUVERGNE: Jordanes, *Get.* 237-8; OF MARSEILLES, ARLES, ETC.: Proc. BG I. xii. 20, *Chron. Min.* i. 309, 665. SYAGRIUS: Greg. Tur. *HF* ii. 18, 27.

17. SICILY: Victor Vit. i. 14. DALMATIA: *Chron. Min.* i. 311, 313. NORICUM: *V. Severini*, 44, Joh. Ant. 214-7.

18. Anon. Val. 50-57.

19. See *JRS* LII (1962), 126-30.

20. THE SIRMIMUM WAR: Jordanes, *Get.* 300-1, *Chron. Min.* ii. 96, 160, Ennod. *Pan.* 277 ff., cf. Cass. *Var.* iii. 23 for Pannonia Sirmiensis under Theoderic's rule.

21. CLOVIS CONQUERS SYAGRIUS AND THE VISIGOTHS: Greg. Tur. *HF* ii. 27, 37. THEODERIC IN GAUL: *Chron. Min.* ii. 223, 282 ff. GESALIC AND AMALARIC: Proc. BG I. xii. 43-6. TAXES AND DONATIVES IN SPAIN: Proc. BG I. xii. 47-8, cf. Cass. *Var.* v. 35, 39. THEUDIS: Proc. BG I. xii. 50-4; for the government of Spain see Cass. *Var.* v. 35, 39, addressed to Ampelius, v.i., and Livvitit, v.s.

22. JUDICIAL SPORTULAE UNDER THE GERMAN KINGS: Cass. *Var.* ix. 14, *Lex Burg. prima const.* 7, and the law of king Theudis of the Visigoths 'de litium expensis et commodis iudicum et executorum' (*MGH (Leg.)* i. i. 467-9). FALSE MEASURES: Cass. *Var.* v. 39, xi. 16, xii. 16. INTERPRETIA IN COMMUTATION: Cass. *Var.* ii. 26, *Consensus de fisco Barcinonensi* (Mansi, x. 473). EXTRA FEES FOR COLLECTORS: Cass. *Var.* xi. 8.

23. For Frankish crown lands see Greg. Tur. *HF* v. 48 (fiscalis vinitor), vi. 45 (familias multas de domibus fiscalibus), and for grants therefrom, *ibid.* v. 3, villas vero quas ei rex a fisco in territorio Sessionico indulserat abstulit, viii. 21, ablataeque sunt ei deinceps omnes res quas in Arverno de fisci munere promeruerat, ix. 38, x. 19, tu ab eodem possessionum fiscalium praedia meruisti? . . . villas vero quas memoras per istius regis chartas emerui, *V. Patrum* i. 5, where the abbot Lupicinus refuses a grant of land, but accepts a 'praeceptionem ut annis singulis trecentos modios tritici eiusdemque mensurae numero vinum accipiant et centum aureos ad comparandum fratrum indumenta, quod usque nunc a fisci ditionibus capere referuntur'. For lavish grants of lands see the will of Bertram bishop of Le Mans (pp. 782-3). For grants of church lands, see below, n. 69.



24. GAISERIC'S CONFISCATIONS: Victor Vit. I. 13-14, Proc. *BL* I. v. 11-17. VICTORIANUS: Victor Vit. III. 27. COMPENSATION OF AFRICAN REFUGEES: Val. III, *Nov.* xxxiv, 451.

25. Victor Vit. I. 13, disponens quoque singulas quasque provincias sibi Bizacenam, Abaritanam atque Getuliam et partem Numidiaie reservavit, exercitui vero Zeugitanam vel Proconsularem funiculo hereditatis reservavit, cf. II. 39, III. 4, in sortibus Vandalorum, Proc. *BL* I. v. 12, καὶ ἀπ' αὐτοῦ κληροὶ Βανδύλων οἱ ἄγροι οἱ τοῖς ἐς τὸδε καλοῦνται τοῦ χρόνου, 14, καὶ τὰ μὲν χωρία ξύμπαντα, ὅσα τοῖς τε πασι καὶ τοῖς ἄλλοις Βανδύλοις Γιζέριχος παραδεδώκει, οὐδεμιᾶς φόρον ἀπαγωγῆς ὑποτελεῖ ἐκέλευσεν εἶναι, cf. II. xiv. 8-10. GORDIANUS: *V. Fulg.* 4; in *V. Fulg.* 28 and 39 we meet with other Roman landowners, one described as 'provinciae Byzacenae primarius', the other as 'inter suos nobilissimus civis' (of Ruspae).

26. On the system of *hospitalitas* see F. Lot, *Rev. Belge de philol. et de l'histoire*, VII (1928), 975 ff. and the earlier literature there cited. ROMAN HOSPITALITAS: *CTb* VII. viii. 5, 398 (the rule of the third is also alluded to in *tit. cit.*, 16, 435, Th. II, *Nov.* xxv, 444 and *CJ* XII. xl. 10). The earliest definite allusions to the sharing of land are in reference to the settlements of the Alans and Burgundians in 440 and 443 (*Chron. Min.* I. 660, cited in ch. VI, n. 66). Cf. also *Chron. Min.* II. 232, Burgundiones partem Galliae occupaverunt terrasque cum Gallis senatoribus dividerunt (in 456). No doubt the system was applied in the settlement of the Visigoths in Aquitania (see ch. VI, n. 65) and it may even go back to their earlier settlement in Thrace (see ch. V, n. 46).

27. ODOACER: Proc. *BG* I. i. 4-5, 8. THEODERIC: Proc. *BG* I. i. 28, Cass. *Var.* II. 16, iuvat nos referre quemadmodum in tertiarum deputatione Gothorum Romanorumque et possessiones iunxit et animos (Liberius), I. 18, si Romani praedium, ex quo deo propitio Sontii fluenta transmisimus, ubi primum Italiae nos suscepit imperium, sine delegatoris cuiusquam pittacio praesumptor barbarus occupaverit, etc. NO GOTHs IN APULIA AND CALABRIA: Proc. *BG* I. xv. 3. TERTIAE AS A TAX: Cass. *Var.* I. 14, et ideo praecelsa magnificentia tua (Faustus, *PPO. It.*) quod a Cathaliensibus inferebatur genere tertiarum faciat annis singulis in tributaria summa persolvi; nec post super hac parte patiantur supplices aliquam quaestionem. quid enim interest quo nomine possessor inferat dummodo sine imminutione quod debetur exsolvat? ita et illis suspectum tertiarum nomen auferimus, et a nostra mansuetudine importunitates competentium submovemus, II. 17, munificentiam nostram nulli volumus exstare damnosam, ne quod alteri tribuitur alterius dispendiis applicetur, et ideo praesenti auctoritate cognoscite, pro sorte quam Butilani presbytero nostra largitate contulimus nullum debere persolvere fiscalis calculi functionem, sed in ea praestatione quanti se solidi comprehendunt de tertiarum illationibus vobis noveritis esse relevandos. There is an entry 'de titulis tertiarum' in *P. Dip.* 138. SORS BARBARI: *P. Dip.* 115.

28. THE ALANS: *Chron. Min.* I. 660 (cited in ch. VI, n. 66).

29. Ennod. *Ep.* IX. 23, Cass. *Var.* II. 16.

30. Cass. *Var.* I. 19, et ideo praesenti vobis iussione praecipimus ut Adrianae civitatis curialium insinuatione suscepta quicumque Gothorum fiscum detractat implere eum ad aequitatem redhibitionis arctetis, IV. 14, is solvat tributum qui possessionis noscitur habere compendium. atque ideo praesenti tibi auctoritate delegamus ut Gothi per Picenum sive Tuscias utrasque residentes te imminente cogantur exsolvere debitas functiones. These letters might refer to lands

acquired by Goths by purchase, marriage, etc., but they are framed in such general terms that they probably include the Gothic *sortes*. In *Var.* II. 17, it might be inferred from the vague language used that the *sorts* granted to the priest Butilas was immune from tax, but if so it was no doubt a special case. In *Var.* v. 14, antiqui barbari qui Romanis mulieribus eligerint nuptiali foedere sociari quolibet titulo praedia quaesiverunt fiscum possessi caespitis persolvere et superindictitiis oneribus parere cogantur, it is, I think, implied that the barbarians settled in Savia before Gothic rule did not pay land tax on their allotments, and that Theoderic, while respecting their vested interest, made them pay on lands acquired through marriage with provincial women. In *Var.* II. 16, Theoderic is made to say of Liberius, 'censum non addendo sed conservando protendens', and 'sensimus auctas illationes, vos addita tributa nescistis'.

31. *Lex Burg.* 57, Burgundionis libertus, qui domino suo solidos XII non dederit ut habeat licentiam sicut est consuetudinis quo voluerit discedendi nec tertiam a Romanis consecutus est, necesse est ut in domini familia censeatur. I take this to be an early law, issued while the Burgundians were still under Roman administration, and to mean that the freedman of a Burgundian gained full freedom if he either paid his master the customary 12 solidi, or if the Roman government made him an independent warrior by allotting him a *sort*.

32. *Lex Vis.* x. ii. 1 (= *Cod. Euric.* 277), sortes Gothicae et tertiae Romanorum quae intra L annos non fuerint revocatae nullo modo repentantur, cf. x. i. 8, ne de duobus partibus Gothi aliquid sibi Romanus praesumat aut vindicet, aut de tertia parte Romani Gothus sibi aliquid audeat usurpare aut vindicare, 16, ut si Goti de Romanorum tertiam quippiam tulerint, iudice insistente Romanis cuncta reformat. iudices singularum civitatum, vilici atque praepositi tertias Romanorum ab illis qui occupatas tenent auferant et Romanis sua exactione sine aliqua dilatione restituant ut nihil fisco debeat deperire, *Lex Burg.* 54. 1, licet eodem tempore quo populus noster mancipiorum tertiam et duas terrarum partes accepit eiusmodi a nobis fuerit emissa praeceptio, ut quicumque agrum cum mancipiis seu parentum nostrorum seu nostra largitate perceperat, nec mancipiorum tertiam nec duas terrarum partes ex eo loco in quo ei hospitalitas fuerat delegata requireret . . . qui agris et mancipiis nostra munificentia potiuntur, de hospitum suorum terris contra interdictum publicum praesumpsisse docentur, sine dilatione restituant; it is clear that the grant of two thirds of the land and one third of the slaves had taken place in the reign of the king who issued this law (probably Gundobad), and that when the grant was made the Burgundians were already settled as *hospites*, and had some of them received additional grants of land from the present king and his parents. If the Burgundians had originally received one third of the land (without slaves), the grant meant in effect a second third of the land and one third of the slaves. This would account for the curious anomaly, which so greatly exercised Lot (see above n. 26), between the proportion of land and of slaves.

33. INALIENABILITY OF SORTES: *Lex Burg.* 1, ut patri etiam antequam dividat de communi facultate et de labore suo cuilibet donare liceat, absque terra sortis titulo adquisita, de qua prioris legis ordo servabitur, 14, his vero puellis quae se Deo voverint et in castitate permanserint, si duos fratres habuerint, tertiam iubemus ut portionem de hereditate patris accipiat, hoc est, de ea tantum terra quam pater eius sortis iure possidens mortis tempore dereliquit. SALE OF SORTES: *Lex Burg.* 84, quia agnovimus Burgundiones sortes suas nimia facilitate distrahere . . . ut nulli vendere terram suam liceat nisi illi qui alio loco sortem aut possessionem habet, ut quisque habens alibi terram necessitatem

habet in comparando quam Burgundio venalem habet nullus extraneus Romano hospiti praeponatur. SORTES TAX FREE: *Lex Vis.* x. i. 16 (cited above in n. 32).

34. *Cod. Euric.* 276, si quodcumque ante adventum Gothorum de alicuius fundi iure remotum est et aliqua possessione aut venditione aut donatione aut divisione aut aliqua transactione translatum est, id in eius fundi adque a Romanis antiquitus probatur adiunctum iure consistat. *Lex Burg.* 55, quotiens de agrorum finibus qui hospitalitatis iure a barbaris possidentur inter duos Romanos fuerit mota contentio, hospites eorum non socientur litigio sed Romanos in iudicio contententes expectentur, ut cuius barbari hospes evicerit cum ipso postmodum de re obtenta habeat rationem.

35. WOODLAND: *Lex Burg.* 54, quoniam sicuti iamdudum statutum est medietatem silvarum ad Romanos generaliter praecipimus pertinere, cf. 67, *Lex Vis.* x. i. 9, de silvis quae indivisae forsitan residerunt, sive Gothus sive Romanus sibi eas adsumerit, fecerit fortasse culturas, statuimus ut, si adhuc silva superest unde paris meriti terra eius cui debetur portioni debeat compensari, silvam accipere non recuset. CLEARINGS AND VINEYARDS: *Lex Burg.* 13, 31, 54.2, *Lex Vis.* x. i. 6, 7, 9 (cited above). HOMESTEAD AND ORCHARDS: *Lex Burg.* 54, similiter de curto et pomariis circa saramannos conditione servata, id est, ut medietatem Romani aestiment praesumendam.

36. Extra grants are mentioned in *Lex Burg.* 54 (cited above in n. 32), 55, sane si ex eiusdem agri finibus quem barbarus ex integro cum Mancipiis publica largitione perceperit fuerit contentio cepta, licebit ei . . . Romano iure contendere, cf. *extrav.* xxi. 14.

37. *Lex Burg. extrav.* xxi. 12, de Romanis vero hoc ordinavimus ut non amplius a Burgundionibus qui infra venerunt requiratur quam ad praesens necessitas fuerit, medietas terrae, alia vero medietas cum integritate Mancipiorum a Romano teneatur.

38. Of Odoacer we know that Basilius was his praetorian prefect (Symmachus, *Ep.* 6 §4), Andromachus his master of the offices (*FIR* III.<sup>2</sup> 99), Cassiodorus (the father of the author) his *comes rei privatae* and *comes sacrarum largitionum* (Cass. *Var.* I. 4) and Pierius his *comes domesticorum* (Anon. Val. 53); also Marcianus, v.c. notarius, presumably a member of the imperial corps of notaries (*FIR* III.<sup>2</sup> 99). For Theoderic we have ample evidence from Cassiodorus' *Variae*, analysed by Mommsen (*Ges. Schr.* VI. 387 ff.) and Ensslin (*Theoderich der Grosse*, 175 ff.). The most important documents are the *formulae* for the appointment to the various offices (*Var.* VI. 3, 5-8, 15-17, 20, 21, VII. 2 for those mentioned in this paragraph). VICAR OF THE GAULS: Cass. *Var.* III. 16, 17. PREFECT OF THE GAULS: *ibid.* VIII. 6, XI. 1 §16.

39. For Rome see ch. XVIII, n. 55. For the part played by the Roman nobility see J. Sundwall, *Abhandlungen zur Geschichte des ausgehenden Römertums*, 84 ff.

40. P. Grierson, *JRS* xlix (1959), 73-80.

41. LAND TAX: Cass. *Var.* II. 25-6, IV. 14, VII. 45, IX. 10-11, XI. 7, XII. 2, 26; *augmenta* are mentioned in IX. 9-10, *superindicta* in I. 26, V. 14. BINA ET TERNA: *ibid.* III. 8, VII. 20-2, cf. ch. XIII, n. 137. AURARIA: Cass. *Var.* II. 26, 30. SILIQUATICUM AND MONOPOLIUM: *ibid.* II. 4, 12, 26, 30, III. 25-6, IV. 19, V. 31. COEMPTIO: *ibid.* II. 26, 38 (from merchants), XII. 5, 14, 22-3, 26 (against rebate of tax). Cf. also Ennod. *V. Epiph.* 358 (*coemptio* under Odoacer). Boeth. *Consol.* I. 4 (complaints of oppressive *coemptio* under Theoderic).

42. In the proem of the Edict (*FIR* II.<sup>2</sup> pp. 684 ff.) Theoderic makes the reserva-

tion: 'salva iuris publici reverentia et legibus omnibus cunctorum devotione servandis', and at the end he speaks of his Edict as 'quae ex novellis legibus ac veteris iuris sanctimonia pro aliqua parte collegimus'. There is a substantive change of law in §142. On the question of Theoderic's legislative powers see *JRS* LII (1962), 129.

43. PRAEPOSITUS: Anon. Val. 82, Triwane praeposito cubiculi, cf. Boeth. *Consol.* I. 4, Ennod. *Ep.* IX. 21. CUBICULARII: *CIL* XI. 310, vir sbl. Seda ignucus et cubicularius regis Theoderici. MAIORES DOMUS: Symmachus, *Ep.* 5 §7 (= *MGH* (AA) XII. 429), Cass. *Var.* X. 18. SILENTIARIES: Proc. *HA* XXVI. 27-8; the 'ex silentiario sacri palatii' who died at Rome in 519 (*CIL* VI. 32003) was presumably a pensioner. From Cass. *Var.* VI. 13, 'formula magistri scrinii quae danda est comitiaco quando permilitat', it appears that members of the 'officium quod nostris iussionibus speciali sollicitudine famulatum est' were called *comitiaci*. In *Var.* II. 28 (an actual application of this formula) the recipient is called 'ex principe nostri officii', and VII. 31 speaks of the *princeps cardinalis* of the *officium comitiacum* of Ravenna and his *vicarius* at Rome. From VII. 21-2, it appears that there were *scriniarii officii nostri*; from VII. 25, that the *principes* of the *comes Dalmatiae* were seconded 'ex officio nostro'. In IV. 40 a summons to the king's court is executed *per officium nostrae sedis*, and in I. 8 (cf. IV. 5), I. 27, II. 10, V. 6, *comitiaci* act as the king's *executores* (cf. IV. 5, VIII. 27, for more general administrative tasks). Mommsen (*Ges. Schr.* VI. 407 ff.) and Stein (*Bas-empire*, II. 122-3) held that the *comitiaci* were the *agentes in rebus* under another name, but I prefer the view that they were the officials of the *magisterium militum praesentale*. The head of the *agentes in rebus* was the *adiutor*, that of the *officium magistri militum* the *princeps*. There were no *scriniarii* among the *agentes in rebus*, but there were in the military offices (implied by the *primiscrinii* of *Not. Dig. Or.* V. 72, VI. 75, VIII. 59, IX. 54, *Occ.* VI. 89). The *principes* of *comites rei militaris* were supplied from the *officia* of the *magistri militum*, not from the *agentes in rebus* in the West (*Not. Dig. Occ.* XXV. 38, XXVI. 22, etc.). The title *comitiaci* would be odd for the *agentes in rebus*, who were under the *magister officiorum*; for though he was a *comes* he was never known as such, but was the *magister* par excellence. On the other hand the *magistri militum* were often known as *comites* (see p. 105) and according to John Lydus their officials were called *comitiani* (*Mag.* II. 7, οἱ μὲν γὰρ λεγόμενοι στρατηλάται τὴν τῶν κομῆτων ἔχουσιν ἐκ τῆς ἀρχαιότητος καὶ μόνῃν τιμῇ. ταῦτα καὶ κομιτιανούς τοὺς δευτεροστρατηλατιανούς ἢ παλαιότες οἶδε). The *agentes in rebus* still existed in the Ostrogothic kingdom, and supplied *principes* for the *officia* of the praetorian prefects (Cass. *Var.* XI. 35), and urban prefect (ibid. VI. 6). SAIONES: as messengers, Cass. *Var.* IX. 10; as *executores*, ibid. II. 13, III. 20, IV. 32, 39, VIII. 24, IX. 14; assigned to support civil administrators, ibid. II. 4, IV. 47, IX. 18, XII. 3; control the post, ibid. V. 5; enforce revenue collection, ibid. IV. 14; claim treasure trove, ibid. IV. 34; levy men and timber for the fleet, ibid. V. 19, 20; *tuitio*, ibid. IV. 27-8, VII. 39, 42; call up Goths, ibid. I. 24, cf. V. 27; transport and supply of troops, ibid. V. 10, 23; cf. also III. 48. VIII. 27 for other miscellaneous commissions. *Saiones* and *comitiaci* were sometimes employed in pairs, e.g. Cass. *Var.* VIII. 27, cf. III. 20, VII. 39.

44. The only evidence for Odoacer is *FIR* III.<sup>2</sup> 99, where the details of the estates already granted to Pierius by the king are given 'viri sublimis comitis et vice domini nostri Arborii . . . suggestione': the title *vice domini* was used for the agents of private landowners (*Ed. Theod. epil.*, Greg. *Ep.* IX. 83, cf. ch. XX, n. 47, for the similar Greek term ἀντιγεωσχος). For the functions of

the *comes rei privatae* see Cass. *Var.* vi. 8. The *comites patrimonii* whose names are known are Bergantinus (viii. 23, ix. 3), Julianus (i. 16), Senarius (iv. 3, 4, wrongly styled CRP in iv. 7, 13) and Wilia (v. 18-20, ix. 13). For their management of estates in Italy see Cass. *Var.* v. 18-20 (raising men and cutting timber on royal lands near the Po for the fleet; iv. 15 probably concerns this operation), i. 16 (*conductores* in Apulia), viii. 23 (grant of *massae* to Theodahad), ix. 3 (goldmining on the *massa Rusticana*); cf. Ennod. *Ep.* vi. 10 for a dispute between the *comes patrimonii* and the *conductor* of an estate. They had officials called *chartarii* (Cass. *Var.* viii. 23, ix. 3, xii. 4, cf. Ennod. *Ep.* vii. 1, a dispute 'inter Bautonem regiae domus conductorem et Epiphanium cartarium'). SICILY: Cass. *Var.* iv. 7, Just. *Nov.* cix, 537, nam publicas eiusdem insulae functiones sub iurisdictione viri excellentissimi comitis sacri patrimonii per Italiam esse antiqua consuetudo tradidit, cuius auctoritate tam exactio quam inlatio earum procederet; for Odoacer's acquisition of Sicily, see Victor Vit. i. 14. SPAIN: Cass. *Var.* v. 39, exactorum quoque licentia fertur amplius a provincialibus extorqueri quam nostro cubiculo constat inferri; cf. Proc. BG i. xii. 47-8. DALMATIA: Cass. *Var.* ix. 9, per quartam indictionem quod a vobis augmenti nomine quaerebatur illustrem virum comitem patrimonii nostri nunc iussimus remove. SAVIA: *ibid.* v. 14, si hoc quod tabularius a cubiculo nostro suscepit rationabiliter non docetur expensum, ab iniusto retentatore reddatur . . . domestici comitis Gothorum necnon et vicedomini aliqua dicuntur provincialibus concinnatis terroribus abstulisse. Theoderic evidently subsidised the administration of Savia from his *cubiculum*; I interpret the second phrase as *domestici* of the *comes Gothorum* (the military governor) and of the *vicedominus* (the provincial agent of the *comes patrimonii*). PANNONIA: *ibid.* iv. 13 (payment by Senarius to Colossaeus for his army). In Cass. *Var.* ix. 13, Wilia is directed to increase the emoluments of the *domestici* 'qui destinatis comitibus obsequuntur'; the *comites* referred to are probably those of Dalmatia, Savia and Pannonia.

45. SCHOLARES AND DOMESTICI: Proc. HA xxvi. 27-8; the *domestici* of Cass. *Var.* i. 10, who complain about their pay were presumably pensioners. Odoacer had active *comites domesticorum* (Anon. Val. 53) but in the *Variae* there is no formula for the office, but only for the *comitiva domesticorum vacans*, which was used for bestowing the lowest grade of the illustrate (vi. 11, cf. ii. 15-16, viii. 12). MUSTER OF GOTHs (WITH ARMS AND HORSES): Cass. *Var.* i. 24; the arms were presumably supplied from the *fabricae* (*ibid.* vii. 18-19). GEPIDS: *ibid.* v. 10-11. For garrisons see next note. ANNONAE: *ibid.* ii. 5, iii. 41-2, iv. 13, v. 10-11, 13, 23, xii. 5. MUSTERS FOR DONATIVE: *ibid.* v. 26-7; *millenarii* are mentioned in v. 27, the donative also in iv. 14, v. 36, viii. 26.

46. ODOACER'S MAGISTRI MILITUM: Anon. Val. 51, 54. ATHALARIC'S PATRICII PRAESENTALES: Cass. *Var.* viii. 9-10, xi. 1. DUCES OF FIELD ARMIES: *ibid.* iii. 42, iv. 17, v. 30, 33; the *dux* Ibba of iv. 17 is styled *comes* in Jordanes, *Get.* 302. DUX RAETIARUM: Cass. *Var.* i. 11, vii. 4. COMES DALMATIARUM: *ibid.* vii. 24-5, ix. 8-9 (with Savia), cf. i. 40, iii. 26, iv. 9; for Savia see also iv. 49, v. 14. COMES PANNONIAE: *ibid.* iii. 23-4, iv. 13. COMITES PROVINCILIARUM: *ibid.* vii. 1; I see no reason to limit this formula to the frontier provinces. COMES CIVITATIS OF NAPLES: *ibid.* vi. 23-5; cf. Syracuse, *ibid.* vi. 22, ix. 11, 14. OTHER COMITES CIVITATIS: *ibid.* vii. 26-8; for *comites* of individual cities see iii. 34 (Massilia), iv. 45, x. 29 (Ticinum), vii. 16 (Insulae Curicta et Celsina), V. *Caes.* i. 48 (Arelate). COMITES GOTHORUM PER SINGULAS CIVITATES: Cass. *Var.* vii. 3; these *comites* are often identified with the *comites diversarum civitatum* of vii. 26-8, but their functions are described in very different terms.

47. The members of the Visigothic royal household are first recorded among the signatories of the later councils of Toledo (from *C. Tol.* VIII of 653 onwards). *Rectores* or *iudices provinciarum* are frequently mentioned in the *interpretationes* of the Breviarium of Alaric (which I cite from the Theodosian Code), e.g. *CTh* I. xvi. 11, 14, xxii. 2, II. I. 4, 5, 8, 9, IV. 2, III. vi. 1, xi. 1, XI. vi. 1, vii. 20, xi. 1, xxx. 15, Val. III, *Nov.* xix; they still appear in *Lex Vis.* XII. i. 2, of 589. For their *praetoria* and *annonae* see *CTh* I. xxii. 4, *Lex Vis.* XII. i. 2, quia nostra recordatur clementia quod dum iudices ordinamus nostra largitate eis compendia ministramus. For their *officiales* see *CTh* I. xvi. 7, xxii. 1, II. i. 8, IX. i. 15, XI. xi. 1; for *consilarii*, etc., I. xxxiv. 1, 2, omnes iudices evidentem agnoscant nullum in provincia sibi commissa de eadem de qua venit provincia vel de alia regione sibi cancellarium vel domesticum fortasse coniungere nisi qui ei publice civium electione fuerit deputatus. *TABULARII*: *CTh* VIII. ii. 5, sive in solida provincia sive per singulas civitates tabularii fuerint ordinati, hoc est qui rationes publicas tractant, ingenui a provincialibus ordinentur, *Lex Vis.* XII. i. 2, comperimus quod numerarii vel defensores annua vice mutantur, qua de causa detrimentum nostris non ambigimus populis evenire, ideoque iubemus ut numerarius vel defensor qui electus ab episcopis vel populis fuerit commissum peragat officium. The *numerarii* of the *comes patrimonii* were not elected but nominated by their chief (*Consensus de fisco Barcinonensi*, Mansi, x. 473).

48. *AURARIA*: *CTh* XIII. i. 13. *VECTIGALIA*: *CTh* IV. xiii. 1, vectigalia sunt quae fisco vehiculorum subvectione praebentur, hoc est aut in litoreis locis navibus aut per diversa vehiculis merces deportant, cuius rei conductelam apud strenuas personas triennio esse praecipit, et continuo hanc exactionem aliis iterum permittendam qui maiorem summam praestationis obtulerint, *Cass. Var.* v. 39 (transmarinorum canon, telonei canon). *THE LAND TAX*: *CTh* XI. i. 15, ista lex hoc praecipit, ut in inferendo publicis horreis tritico, quod debetur, possessor pro rata canonis sui tribus inflationibus, id est quaternis mensibus, singulas debitorum partes adceleret; iii. 5, xxvi. 2 (*publici libri, polyptychi*, cf. *Cass. Var.* v. 39), vi. 1, xvi. 11 (*superindicta*), vii. 20, XII. vi. 20, 22, XVI. ii. 2 (*exactores*). For the civic *tabularii* see *CTh* VIII. ii. 5 cited in n. 47.

49. *DOMUS DOMINICAE*: *CTh* II. i. 11, x. i. 2, iv. 2; *FISCALES*: II. xxv. 1. *ORDINATOR*: II. i. 5, x. i. 2. *ACTOR*: II. i. 11, vi. 5, x. iv. 1, 2, *C. Tol.* III, can. 18, actores fiscalium patrimoniorum. *CONDUCTORES REGIAE DOMUS*: *Cass. Var.* v. 39. *COMES PATRIMONII*: *Lex Vis.* XII. i. 2, 589, comitem patrimonii aut actores fisci nostri, *Consensus de fisco Barcinonensi*, Mansi, x. 473. *Servi fiscales* seem to have been a numerous class in Visigothic Spain. They are mentioned in *C. Tol.* III, can. 8, clericos ex familia fisci nullus audeat a principe donatos expetere, can. 15, si qui ex servis fiscalibus fortasse ecclesias construxerint easque de sua paupertate ditaverint, *Lex Vis.* v. vii. 16 (forbidden to alienate *mancia sua aut terras* to free persons, but only to other *servi fiscales*, or to give them to the church; if they wish to endow a church they must sell their slaves and land to other slaves of the crown and use the money they receive for the purpose), XII. i. 2 (disputes between *privati* and *servi fiscales* not to be judged by the *actor fisci*, but by the *rector provinciae* or *iudex territorii*).

50. *DEFENSOR*: *CTh* I. xxix. 6, *Lex Vis.* XII. i. 2 (elected); *CTh* III. xxx. 6 (*officium*); *CTh* II. i. 8, iv. 2 (jurisdiction). The *defensor* still existed in 589 (*Lex Vis.* XII. i. 2), but in this law jurisdiction belongs to the courts 'rectoris provinciae vel iudicis territorii'. The *iudex territorii* is also mentioned in *Lex Vis.* VI. iv. 4, VII. v. 1, iudicibus vicinis territorii illius, IX. i. 6, iudici vel vicario proxime civitatis vel territorii, x. i. 16, iudices singularum civitatum; he is

coupled with the *comes civitatis* in III. vi. 1, VII. i. 5, ad comitem civitatis vel iudicem in cuius est territorio constitutus. He is alluded to simply as *index* in many laws which couple the *comes civitatis* with the *index*, II. i. 13, III. iv. 17, IV. ii. 14, VI. i. 1, VII. iv. 2, VIII. iv. 26, 29, IX. i. 20. Both the *comes* and the *index* existed by Euric's time (*Cod. Euric.* 322, vel ad comitem civitatis aut iudicem). Other early references to *comites civitatis* are Sid. Ap. *Ep.* VII. 2 and *C. Narb. can.* 4, 9. The *comes civitatis* does not appear in the Breviarium, but may be alluded to in such periphrases as 'ille . . . ad cuius ordinationem is respicit qui militat vel arma tenuerit' (*CTh* II. i. 2) or 'illis qui armatis praeesse noscuntur' (ibid. II. i. 9), substituted for the *indices militares* of the Code. There is a mention of the *index territorii* in the Breviarium, *CTh* III. xi. 1, de his iudicibus qui provincias administrant vel etiam his quibus civitates vel loca commissa sunt. The *comes civitatis* assists the *index* in arresting Goths in *Lex Vis.* VII. iv. 2; in III. iv. 17 he flogs the *index* if the latter does not enforce the law. JOINT JURISDICTION IN CRIMINAL CASES: *Lex Vis.* VII. iv. 5. CASES REFERRED TO THE KING: *Lex Vis.* II. i. 13, *CTh* IX. xl. 10.

51. THE MUSTER: *Lex Vis.* IX. ii. 1-5; *millenarii* are referred to in *Cod. Euric.* 322, but not in a military context.

52. THE DONATIVE: Proc. BG I. xii. 48. GARRISONS: *Lex Vis.* IX. ii. 6. This law makes no allusion to a *dux provinciae*, who might have been expected to command the permanent garrisons. The office is attested under Euric (Greg. Tur. *HF* II. 20, Euricus autem Gothorum rex Victorium ducem super septem civitates praeposuit anno quarto decimo regni sui, cf. *V. Patr.* 3, and Sid. Ap. *Ep.* VII. 17, where he is styled *comes*). The *vir illustris* Vincentius who is called *dux provinciae nostrae* by the bishops of Tarraconensis in 464 (Hilarus, *Ep.* 14) was also probably an officer of Theoderic; he is mentioned ten years later as *Hispaniarum dux* and *quasi magister militum* under Euric (*Chron. Min.* I. 665). 'Claudius Lusitaniae dux' is mentioned by Joh. Biclar. 589, and a 'provinciae dux nomine Argimundus' in 590 by the same chronicler (*Chron. Min.* II. 218-9). The *dux provinciae* is also mentioned in later Visigothic laws (*Lex Vis.* II. i. 18, 19).

53. CODICILLI OF RANK: Cass. *Var.* VI. 2, formula patriciatus, 10, formula qua per codicillos vacantes procures fiunt, 11, formula illustratus vacantis, 12, formula comitivae primi ordinis, VII. 37, formula spectabilitatis, 38, formula clarissimatus; cf. II. 2, 3, IX. 22, 23, for the consulate, and ch. XV, n. 23, for admission to the senate. SENATORS UNDER THE VISIGOTHS: *CTh* II. xxxiii. 3 (equated with 'senatorio genere nati'), 4, IX. xl. 10 (changed to 'maiores personae aut alicuius dignitatis viri'), Marc. *Nov.* IV. HONORATI: *CTh* I. xx. 1, honorati provinciarum, id est ex curiae corpore, IX. xix. 1, curiae dignitate privabitur, id est ut honoratus esse non possit. CURIAL OBLIGATIONS AND PROPERTY: *CTh* III. i. 8, v. ii. 1, x. iii. 2, XII. i. 1, 12, 19, 20, 55, 124, 170, Th. II, *Nov.* ix, xv. 1, xxii. 1, 2, Val. III, *Nov.* xxxv, Maj. *Nov.* vii.

54. PRAEPOSITUS REGNI: Victor Vit. II, 15, 43. ROMAN OFFICIALS AT COURT: ibid. II, 10, ut nostrae religionis homines in aula eius constituti neque annonas neque stipendia solita potirentur, 23, ut nemo in eius palatio militaret neque publicas ageret actiones nisi sese Arianum fecisset. IUDICES PROVINCiarum: ibid. III. 13. PROCONSUL: ibid. III. 27. PROCURATORS: ibid. I. 45 (Felix), 48 (Saturus), *V. Fulg.* 5-6.

55. MILLENARII: Victor Vit. I. 30, Vandalus de illis quos millenarios vocant, cf. the *χιλλαγοι* of Proc. BV I. v. 18. For revolts of the Moors under the Vandals see Proc. BV I. viii. 2, 5, 7, 14-29, ix. 3.

56. *Lex Burg. prima const.* 5, optimates consiliarii domestici et maiores domus nostrae, cancellarii etiam, Burgundiones quoque et Romani civitatum et pagorum comites vel iudices deputati, omnes etiam et militantes. Cf. 2, habito consilio comitum et procerum nostrorum, and law 74, sed nunc ex ipso eodemque titulo cum optimatibus populi nostri adtentius universa tractantes generalitatem praedictae legis placuit temperari. The *consiliarii* and *maiores domus* are also mentioned in *extrav.* xxi. 14 (cited in n. 57). PUERI OR WITTISCALCI: *Lex Burg.* 76.

57. The two *comites* are mentioned in *Lex Burg. prima const.* 5 (cited in n. 56), 13, nullam causam absente altero iudice vel Romanus comes vel Burgundio iudicare praesumat, *extrav.* xxi. 11, omnes comites tam Burgundionum quam Romanorum, cf. law 49, locorum comites atque praepositi, 50, singulorum locorum iudices, 76, 79 (*comites* as judges), *extrav.* xxi. 14, si quicumque aliquid loco munificentiae petere voluerit cum literis comitis sui veniat, et consiliarii aut maiores domus qui praesentes fuerint ipsas literas comitis ipsius accipiant et suas literas ex nostra ordinatione ad illius iudicis faciant cuius territorio res illa quae petitur tenetur et hoc eis concedant ut diligenter et fideliter inquirent si sine peccato dari potest. It is not clear to me whether the *iudices deputati* are identical with these *comites civitatum* or judges appointed for special cases; they are mentioned in *prima const.* 5 (cited in no. 56), 7, 12, laws 81, 90. NOTARII: *Lex Burg. prima const.* 7. MILITANTES: *ibid.* 5 (cited in n. 56).

58. COMITES PALATII: Greg. Tur. *HF* v. 18, ix. 12, 30, *Virt. Mart.* iv. 6. DOMESTICI: Greg. Tur. *HF* iv. 3, vi. 11, vii. 15, ix. 19, x. 5, 15, 28, *Virt. Mart.* i. 25. MAIORES DOMUS: Greg. Tur. *HF* vi. 9, 45, vii. 27-8, 43, ix. 30, *Virt. Mart.* iv. 6-7. REFERENDARI: Greg. Tur. *HF* v. 3, 28, 42, 45, vi. 28, viii. 39, ix. 23, 33, 38, x. 19, 31, *Virt. Mart.* i. 25, iii. 17, *Glor. Conf.* 93. In *HF* v. 3, the referendary is described as 'qui anolum regis Sygiberthi tenuerat', and in *HF* x. 19 as giving his *subscriptio* to royal grants; he is concerned with taxation in *HF* v. 28. Other officials of whom we hear are *thesaurarii* (*HF* v. 39, vii. 4), *cancellarii* (*Virt. Mart.* iv. 28), *camerarii* (*HF* iv. 7, 26, vi. 45) and *comites stabuli* (*HF* v. 39, 48, ix. 38, x. 5).

59. BELGICA II: *MGH (Ep.)* iii. 113; cf. Greg. Tur. *Virt. Jul.* 32. RECTOR PROVINCIAE: Greg. Tur. *HF* iv. 43 (Jovinus and Albinus), vi. 7, 11 (Dynamius), viii. 43 (Nicetius); Jovinus and Albinus are called *ex praefectis* in vi. 7, 11, and Mummolus is styled *praefectus* in vi. 35, vii. 15. *Comites civitatum* are recorded in Gregory *passim*; for their judicial duties see especially *HF* v. 48, *V. Patrum*, 7 §1, 8 §3, for the taxes, *HF* vi. 22, vii. 23, ix. 30, x. 21, for military affairs, *HF* iv. 30, vi. 41, vii. 29, 42. See also the *formula* of the office in *MGH (Leg.)* v. 47-8.

60. CHILDEBERT'S DISCRIPTORES: Greg. Tur. *HF* ix. 30; for another case of out of date registers see *HF* x. 7.

61. CHILPERIC'S LEVIES: Greg. Tur. *HF* v. 28, 34, cf. vi. 28. TAXATION OF FRANKS: *ibid.* iii. 36 (Parthenius), vii. 15 (Audo). The church normally paid tax; for special remissions see *HF* iii. 25, x. 7, and for a special levy, *HF* iv. 2.

62. MILITARY LEVIES: Greg. Tur. *HF* v. 26, vi. 19, vii. 24, viii. 30, cf. n. 59 for the role of the *comes civitatis*. PATRICII: *ibid.* iv. 24, 30, 42, v. 13; Nicetius is also styled *patricius* in ix. 22. *Duces* are recorded *passim* in Gregory as commanders of armies in the field: for *duces* in command of groups of cities see *HF* vi. 31, viii. 18, 26, 42, ix. 7 (with *comites civitatis* under him).



VIII. THE FALL OF THE WESTERN EMPIRE (pp. 262-5) 53

63. EURIC: Sid. Ap. *Ep.* vii. 6. The Breviarium was drawn up 'adhibitibus sacerdotibus et nobilibus viris' and received the approval 'venerabilium episcoporum vel electorum provincialium nostrorum' (*MHG (Leg.)* i. i. 466). Councils of catholic bishops were frequently held (Agathe, 506, Tarraco, 516, Gerunda, 517, Ilerda, 523, Valentia, 524, Toledo, 531, Barcino, 540) and at the Second Council of Toledo (531) the bishops thanked the king, 'qui innumeris annis regni eius ea quae ad cultum fidei perveniunt peragendi nobis licentiam praestat' (Mansi, viii. 787). The conversion of Visigoths is celebrated in the Third Council of Toledo.

64. Stein, *Bas-empire* II. 185-9.

65. Odoacer's intervention is cited in the acts of Symmachus' council of 502 (*MGH (AA)* xii. 445-7). For Theoderic's intervention see Stein, *Bas-empire*, II. 134-42; the main sources are *Lib. Pont.* liii and the acts of Symmachus' councils (*MGH (AA)* xii. 399-455).

66. Victor Vit. I, passim.

67. Victor Vit. II. 23 (bishops and civil servants), 26 ff. (deportation of the clergy to the south), 39, 52 ff. (the council), III. 2-14 (the penal laws), 20 ff. (deportation of the clergy to Corsica).

68. Courtois, *Les Vandales et l'Afrique*, 299-304.

69. ROYAL GIFTS OF LAND: *C. Aurel.* I, can. 5, de oblationibus vel agris quos domnus noster rex ecclesiis suo munere conferre dignatus est, *C. Aurel.* v, can. 15 (endowment of a hospital at Lyons by Childebert). GRANTS OF IMMUNITY: Greg. Tur. *HF* III. 25, x. 7 (Auvergne), IX. 30 (Tours). USURPATION OF CHURCH LANDS: Greg. Tur. *Virt. Mart.* I. 29, *C. Arvern.* I, can. 5, qui reiculam ecclesiae petunt a regibus, *C. Paris.* III, can. 1, competitoribus . . . qui facultates ecclesiae sub specie largitatis regiae improba subreptione pervaserint, *C. Turon.* II, can. 24. AWARD OF BISHOPRICS TO ROYAL MINISTERS: Greg. Tur. *HF* IV. 18 (Austrapius *dux*), VI. 7 (Jovinus *rector provinciae*), VIII. 22 (Gundegisil *comes civitatis*), IX. 23 (Charimeres *referendarius*); a suspiciously large number of referendaries became bishops (*HF* v. 42, 45, VIII. 39, x. 31).

70. LAWS AGAINST BARBARIAN HOSPITES: *Lex Vis.* x. i. 16, *Lex Burg.* 54, Cass. *Var.* I. 18; AGAINST CORRUPT JUDGES: *Lex Theudi* (*MHG (Leg.)*, I. i. 467-9), *Lex Burg. prima const.*

71. For the persistence of old abuses see above n. 22. PLUNDERING BY GOTHIC TROOPS: Cass. *Var.* v. 26, illud tamen necessario commonentes ut venientium nullus provenire possit excessus, nec possessorum segetes aut prata vastetis; though they received *annonae* Gothic armies on the march seem always to have looted the countryside and the provincials were regularly compensated for their losses (see Cass. *Var.* II. 8, III. 38, IV. 36, v. 13, XII. 5). TUTTIO: Cass. *Var.* VII. 39, 42; cf. IV. 27 for the attempted murder by a *saio* of the person whom he was appointed to protect.

For the reign of Justin I there is a detailed study in A. A. Vasiliev, *Justin the First, An introduction to the epoch of Justinian*, Cambridge, Mass. 1950. For the reign of Justinian the most important works are C. Diehl, *Justinien et la civilisation byzantine au VI<sup>e</sup> siècle*, Paris, 1901, and the massive work of B. Rubin, *Das Zeitalter Iustinians*, of which the first volume only has appeared (Berlin, 1960).

1. JUSTIN'S EARLY CAREER: Proc. *HA* vi. 1-16. HIS ELECTION: Const. Porph. *Cer.* i. 93, Malalas, 410-11, Marcell. com. 519 (*Chron. Min.* ii. 101).

2. Stein, *Bas-empire*, II. 223-35.

3. GERMANUS: Proc. *BV* II. xvi. 1 ff., *BG* III. xl. 5-6 (the Antae), 9 (character). Justinian's full name was Flavius Petrus Sabbatius Justinianus (*ILS* 1307). He is already styled *comes* in April, 519 (*Coll. Avell.* 162). VITALIAN: Malalas, 411-2, *Chron. Min.* ii. 101. JUSTINIAN BECOMES MAG. MIL. PRAES.: *ILS* 1307, *Chron. Min.* ii. 196. Cf. Proc. *BP* I. xi. 16, xii. 21.

4. PERSIAN AFFAIRS: Proc. *BP* I. xi, xii. JUSTINIAN'S CORONATION: Const. Porph. *Cer.* i. 95. JUSTIN'S DEATH: Malalas, 424.

5. Even Procopius (*HA* xii. 27, xiii. 28-32) has to admit that Justinian was abstemious and worked very late.

6. Justinian speaks of Latin as ἡ πάτριος ἡμῶν φωνή in *Nov.* xiii. pr., cf. vii. 1, xv pr., xxii. 2, xxx. 5, lxix. pr., cxlvi §1; for his antiquarianism see also *Nov.* xxiv. pr., xxv. pr., xli, xlvi. pr.

7. ABROGATION OF LAW ON SENATORS AND ACTRESSES: Proc. *HA* ix. 51, *CJ* v. iv. 23 (520-3). Justinian acknowledges Theodora's aid in *Nov.* viii §1, 535. For Theodora and John see Proc. *BP* I. xxv.

8. MAGISTER MILITUM PER ARMENIAM: *CJ* I. xxix. 5, Proc. *Aed.* III. i. 16. NEW DUCES: Proc. *Aed.* III. i. 28-9, ii. 1, iii. 14, vi. 17, 26. DUX OF CIRCESIUM: Proc. *Aed.* II. vi. 9. DUX OF PALMYRA: Malalas, 426.

9. SITTAS AND BELISARIUS JUSTINIAN'S δογέφοροι: Proc. *BP* I. xii. 21. Sittas's nationality is inferred from his name, Belisarius' origin is given in Proc. *BV* I. xi. 21.

10. The main sources for the Nika rebellion are Proc. *BP* I. xxiv, Malalas, 473-7, and *Exc. de Insid.* 46, Marcell. com. 532 (*Chron. Min.* ii. 103). JOHN THE CAPPADOCIAN'S ORIGIN: Joh. Lydus, *Mag.* III. 57. Tribonian first appears as *magisteria dignitate inter agentes decoratus* in 528 (*CJ const.* Haec, Summa).

11. Proc. *BP* I. xxii. 1-8.

12. DEBATE ON THE VANDAL WAR: Proc. *BV* I. x. 1-20. BELISARIUS' FORCE: *ibid.* I. xi. 1-21.

13. ORGANISATION OF AFRICA: *CJ* I. xxvii. 1, 2, 534. THE LAND: Proc. *BV* II. xiv. 8-10, Just. *Nov.* xxxvi, 535. THE CHURCH: Just. *Nov.* xxxvii, 535, Proc. *BV* II. xiv. 12-14.

14. VANDAL REGIMENTS: Proc. *BV* II. xiv. 17-18. BELISARIUS' TRIUMPH: *ibid.* II. ix.

15. CONQUEST OF SICILY: Proc. *BG* I. v. 1-7, 12-16.

16. Proc. *BG* I. vi.

17. REINFORCEMENTS: Proc. *BG* I. xxvii. 1-2, II. v. 1.

18. NARSES' ARMY: Proc. *BG* II. xiii. 16-18.

19. REINFORCEMENTS TO SOLOMON: Proc. *BV* II. ix. 23-4. REVOLT OF STOTZAS: *ibid.* II. xiv. 7 ff.
20. GERMANUS: Proc. *BV* II. xvi-xviii. SOLOMON: *ibid.* II. xix ff.
21. Stein, *Bas-empire*, II. 305-10.
22. Proc. *BG* II. xxix.
23. See pp. 477-8.
24. See pp. 478-9, and for Tribonian's career, Stein, *Bas-empire*, II. 404-7.
25. The first law addressed to John is *CJ* VI. xxvii. 5 of 30 April 531, and the last *Nov.* lix of May 541. SUFFRAGIA: Just. *Nov.* viii, 535; see pp. 394-5. MANDATA: *ibid.* xvii, 535. DEFENSORES: *ibid.* xv, 535.
26. PRAETOR OF THRACE: Just. *Nov.* xxvi, 535. QUAEITOR EXERCITUS: Joh. Lydus, *Mag.* II. 28-9, Just. *Nov.* xli, 536. PRAETOR POPULI: *ibid.* xlii, 535. See also p. 692. QUAEITOR: Just. *Nov.* lxxx, 539; see also p. 692.
27. CHANGES IN ASIA MINOR: Just. *Nov.* viii §§2, 3, xxiv, xxv, xxviii, xxix, 535, xxx, xxxi, 536.
28. Just. *Nov.* viii §5 (*comes Orientis*), xxvii (Isauria), 535, cii (Arabia), ciii (Palestine), 536, *Ed.* iv (Phoenice).
29. Just. *Ed.* xiii; for the date see *Chron. d'Égypte*, 1955, 112-21 and for the missing chapters M. Gelzer, *Studien zur Byzantinischen Verwaltung Aegyptens*, 21 ff.
30. See pp. 483-4.
31. Procopius gives a full account of Justinian's building activity in his *Aedificia*.
32. ANASTASIUS' RESERVE SPENT: Proc. *HA* xix. 7-8, Joh. Lydus, *Mag.* III. 51. TAXATION IN AFRICA: Proc. *BV* II. viii. 25. SICILY: Just. *Nov.* civ, 537. PRAETORIAN PREFECT OF ITALY: Proc. *BG* I. xx. 19-20 (Fidelius), II. xxi. 40 (Reparatus), II. xxii. 24 (Athanasius), III. vi. 9 (Maximinus).
33. ARREARS IN AFRICA: Proc. *BV* II. xvi. 5, xxvi. 12.
34. On John see Proc. *BP* I. xxiv. 12-15, *HA* xxi. 1-2, Joh. Lydus, *Mag.* III. 57 ff. THE *ἀεουκὼν*: Proc. *HA* xxi. 1-3; this tax is mentioned in *P. Vars.* 32, *P. Iand.* 102, but its precise character is unknown.
35. CURSUS PUBLICUS: Proc. *HA* xxx. 1-11, Joh. Lydus, *Mag.* III. 61. SCHOLAE REDUCED: Proc. *HA* xxiv. 18-20. PAY OF SCHOLARES AND DOMESTICI DOCKED: Proc. *HA* xxiv. 21-6.
36. LIMITANEI: Proc. *HA* xxiv. 12-14. BEROEA: Proc. *BP* II. vii. 37. DONATIVE: Proc. *HA* xxiv. 27-9, cf. Val. III, *Nov.* xiii, *CJ* I. xxvii. 1, 2.
37. DISCUSSORES: Proc. *HA* xxiv. 1-11 (military), ch. XIX, n. 106 (civil).
38. The principal laws on the ordination and discipline of the clergy are *CJ* I. iii. 41, 528, 44, 530, 47, 531, Just. *Nov.* vi, xvi, 535 (and cxxvii, 565); on monks, *CJ* I. iii. 43, 529, 46, 530, Just. *Nov.* v, 535, lxxix, cxxxiii, 539 (and cxxiii, 546); on church property, *CJ* I. ii. 24, 530, Just. *Nov.* vii, 535, xlvi, 536, lv, 537 (and cxx, 544).
39. COMPULSORY BAPTISM OF PAGANS: *CJ* I. xi. 10. PURGE OF PAGANS: Malalas, 449. For John of Ephesus see ch. XXIII, n. 4. MANICHEES: Malalas, 423. MONTANISTS: Proc. *HA* xi. 23.
40. *CJ* I. v. 12, 527, 13-16, 18, 19, 529, 20, 530, 21, 531, Just. *Nov.* xlv, 537. SYNAGOGUES IN AFRICA: Just. *Nov.* xxxvii, 535. SAMARITANS: *CJ* I. v. 17, Proc. *HA* xi. 24-30, Malalas, 445-6, 487.

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41. Stein, *Bas-empire*, II. 376-8. THE COLLOQUY: *A.C.Oec.* IV. II. 169-84. THE EDICT AND THE POPE'S AGREEMENT: *CJ* I. I. 6-8, 533-4.
42. Stein, *Bas-empire*, II. 380-91.
43. THE PLAGUE: *Proc. BP* II. xxii, xxiii, Agathias, V. 10, *Chron. Min.* II. 213-14, 238.
44. The Persian war from the renewal in 541 is described in *Proc. BP* II. THE TRUCE OF 545: *ibid.* II. xxviii. 7-11.
45. TOTILA'S 5,000 MEN: *Proc. BG* III. iv. 1. HIS LAND POLICY: *ibid.* III. vi. 5-8. WALLS OF NAPLES DEMOLISHED: *ibid.* III. viii. 10.
46. BELISARIUS' 4,000 RECRUITS: *Proc. BG* III. x. 1-2. ALEXANDER: *ibid.* III. i. 28-33. ILLYRIAN TROOPS GO HOME: *ibid.* III. xi. 13-15.
47. BELISARIUS' LETTER: *Proc. BG* III. xii. 3-10. REINFORCEMENTS UNDER JOHN: *ibid.* III. xiii. 20. FALL OF ROME: *ibid.* III. xx.
48. REINFORCEMENTS UNDER VALERIAN: *Proc. BG* III. xxvii. 1-3. Belisarius held the office of *comes stabuli* during his second Italian command (*Proc. HA* IV. 39, cf. *BG* III. ix. 23): reappointed *magister militum orientis*, *BG* IV. xxi. 1.
49. DAGISTHAEUS: *Proc. BP* II. xxix. 10 ff. BESSAS: *Proc. BG* IV. ix. 4 ff. TRUCE OF 551: *ibid.* IV. xv. 1-3.
50. GERMANUS' PREPARATIONS: *Proc. BG* III. xxxix. 9-20.
51. NARSES' PREPARATIONS: *Proc. BG* IV. xxvi. 5-16.
52. BUSTA GALLORUM: *Proc. BG* IV. xxix-xxxii. MONS LACTARIUS: *ibid.* IV. xxxv: the terms given to the remnant of the Ostrogoths are in §§33-8. FIGHTING AGAINST THE FRANKS: Agathias, I and II. 1-14.
53. PRAGMATIC SANCTION: *Just. App.* vii, 554.
54. GRANT OF LANDS OF GOTHIC CHURCH TO RAVENNA: *P. Ital.* 2; cf. Agnellus, *Lib. Pont. Eccl. Rav.* 85. GOTHIC LANDOWNERS: *P. Ital.* 7 (557), 13 (553).
55. NARSES' TITLE: *Just. App.* vii §27, 554, *ILS* 832. For the frontier defences see Stein, *Bas-empire*, II, 612-13, and for the civil administration ch. x, n. 29. Pelagius II wrote a letter to John, *comes patrimonii* (*PL* LXIX. 416), presumably of Italy.
56. Stein, *Bas-empire*, II, 560-3.
57. SERGIUS: *Proc. BV* II. xxii, xxiii. AREOBINDUS: *ibid.* II. xxiv-xxvii. JOHN: *ibid.* II. xxviii ff. His exploits are described in great detail in Corippus' *Johannis*. MOORISH REVOLT IN 563: Malalas, 495-6.
58. INVASION OF 544: *Proc. BG* III. xi. 15; of 548, *ibid.* III. xxix. 1-3; of 550-1, *ibid.* III. xl. 1-7, 30-45; of 559, Malalas, 490, *Chron. Min.* II. 205, Agathias, V. 11 ff., Theophanes, A.M. 6051. THE AVARS: Joh. Eph. *HE* VI. 24, Menander, 9, *Chron. Min.* II. 205.
59. Menander, 11.
60. *Just. Nov.* clvii, 542, dealing with conditions in Osrhoene and Mesopotamia, is addressed to Lazarus, *comes Orientis*. VICAR OF PONTICA: *Just. Ed.* viii, 548. BIOCOLYTES: *Just. Nov.* cxlv, 553. The vicar of Thrace does not appear in the *Notitia* of *Just. Nov.* viii, and must therefore have been abolished before 535, probably by Anastasius when he instituted the vicariates of the Long Walls. A vicar of Thrace reappears in 576 (*BCH* VI (1882), 186; cf. also *AE* 1938, 12, 138), and the restitution of the office was no doubt due to Justinian, who restored the other vicariates.

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61. REVENUE COLLECTION: Just. *Nov.* cxxviii, 545. LOCI SERVATORES: *ibid.* cxxxiv, 556.
62. Peter is attested as *CSL* in 542 (Just. *Ed.* vii §6), *PPO Or.* in 543-6 (Just. *Nov.* cxviii-cxx, cxxiii-cxxv, cxxviii, cxxx, cxxxi), *CSL* again c. 546 in Proc. *HA* xxii. 33 (cf. Just. *Ed.* xi, 559, where he is styled ἀπὸ κομῆτων τῶν θελῶν λαογυτιόνων τὸ δεύτερον), *PPO* again in 554-62 in Just. *Nov.* cxxxiv, clix, *Ed.* xi, Malalas, 491. His career is described in Proc. *HA* xxii. 3-38.
63. Just. *Nov.* cxxviii, cxxx, 545.
64. See ch. XXI, n. 6.
65. MONOPOLIES: Proc. *HA* xx. 1-5, xxvi. 18 ff., 36-9. SUFFRAGIA: *ibid.* xxii. 7-9, cf. Just. *App.* vii §12.
66. Justinian's later laws on the church are *Nov.* cxx, 544, cxxxi, 545, cxxiii, 546, cxxxvii, 565; on synagogue services, *Nov.* cxlvi, 553. PURGE OF PAGANS IN 562: Malalas, 491. For the story of the Three Chapters see Stein, *Bas-empire*, II, 632-83.
67. JAMES BARADAEUS: Joh. Eph. *V. SS. Or.* xlix.
68. Evagr. iv. 39.
69. Barbarians were more used in the West than in the East; the army in Lazica at the end of Justinian's reign was still almost entirely Roman (Agathias, III. 20). Procopius gives a detailed description of Justinian's fortifications in Thrace and Illyricum in *Aed.* iv; in ch. iv are long lists of forts built or repaired in the interior, as far from the Danube as Epirus and Thessaly.
70. PELAGIUS: *PL* LXIX. 404-5 (to the bishop of Arles), 417 (to the praetorian prefect of Africa).
71. For the Western regiments see ch. XVII, nn. 119, 121.
72. Agathias, v. 13.
73. Just. *Nov.* cxlviii pr., 566.

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The history of this period is covered by the *Cambridge Medieval History*, II. ix. In P. Goubert, *Byzance avant l'Islam*, there is a detailed study of the Persian wars and negotiations (Tome I, *Byzance et l'Orient*, Paris, 1951) and of relations with the Franks (Tome II, i, *Byzance et l'Occident*, Paris, 1955).

1. The accession of Justin II is voluminously described by Corippus, *de Laudibus Justini*. For the fate of the other Justin see Evagr. v. 1-2. Justin II is first recorded as *cura palatii* in 551, Vigilius, *Ep. Encycl.* (*PL* LXIX. 53). Tiberius, then a notary, was introduced to Justin, then *cura palatii*, in 562 (*V. Eutych.* 66-7).
2. THE AVAR EMBASSY: Menander, 14, Joh. Eph. *HE* vi. 24; also rhetorically described in Corippus, *de Laudibus Justini*. THE SARACEN AND PERSIAN EMBASSIES: Menander, 15-17.
3. Menander, 24-9, Paulus, *HL* I. 27.
4. Paulus, *HL* II. 7-14, 25-7.

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5. AFRICA AND SPAIN: *Chron. Min.* II. 212-13. PERSIA: Menander, 36, Theoph. Byz. 3, Joh. Epiph. 2, Joh. Eph. *HE* II. 18-21, Evagr. v. 7.

6. Theoph. Byz. 3-4, Joh. Epiph. 2-5, Joh. Eph. *HE* VI. 2-6, Evagr. v. 8-10, Theoph. Sim. III. 9-11.

7. Justin's madness and Tiberius' nomination are fully described by Joh. Eph. *HE* III. 2-5; cf. also *ibid.* v. 13, Evagr. v. 11-13, Joh. Epiph. 5, Theoph. Sim. III. 11. TRUCE WITH PERSIA: Menander, 37-8, Theoph. Sim. III. 11.

8. THE EDICT OF UNION: Evagr. v. 4, Joh. Eph. *HE* I. 19. THE PERSECUTION: Joh. Eph. *HE* I. 33 ff., II. 1-14. SUFFRAGIA: Just. *Nov.* cxlix, 569, cf. clxi, 574 for the rapid revival of *suffragia*. WINE DUTY AND PAYMENT FOR BREAD RATION: Joh. Eph. *HE* III. 14; as the bread ration was worth only about a solidus a year, the fee cannot have been annual.

9. Tiberius is praised for his toleration by Joh. Eph. *HE* III. 21. HIS EXTRAVAGANCE: Evagr. v. 13, Joh. Eph. *HE* III. 11 and 14 (abolition of Justin's taxes), v. 20. SUFFRAGIA: Evagr. v. 13, Just. *Nov.* clxi, 574. REMISSION OF TAXES: Evagr. v. 13, Just. *Nov.* clxiii, 575. That this remission was actually made is proved by *P. Oxy.* 1907, *λόγος κοιφισμού τοῦ τετάρτου μέρους* (for one of the other cities of Arcadia, not Oxyrhynchus itself, for which the figures are far too low, see p. 436). It gives the normal tax as 25372½ *artabae* of wheat and 2297 solidi 10½ carats in gold (including commutation of barley and *sportulae* of officials), of which 300 solidi were not eligible for the remission. One quarter of the wheat (6343 *artabae* 5 *choenices*) is valued at 735 solidi 6 carats, and one quarter of the net gold tax comes to 499 solidi 8½ carats; the total rebate is added up to 1234 solidi 14½ carats. This accords with the provisions of the law, whereby taxes in kind, including the *ἐμβολή*, were to be paid in full, but the taxpayers received a rebate for a quarter of their value in gold.

10. AVAR SUBSIDY: Menander, 63 (*ad init.*). WAR WITH THE SCLAVENI: *ibid.* 48.

11. FALL OF SIRMIIUM: Menander, 63-6, Joh. Eph. *HE* VI. 30-3. SCLAVENE INVASION: Joh. Eph. *HE* VI. 25.

12. DEATH OF ALBOIN AND CLEPH: Paulus, *HL* II. 28-31. THE DUCES: *ibid.* II. 32, cf. III. 13, 33 for Faroald and Zotto. ROMAN EMBASSIES: Menander, 49, 62.

13. THE TRUCE: Menander, 39-40, Joh. Eph. *HE* VI. 8, Theoph. Sim. III. 12. For subsequent operations and negotiations see Menander, 41-3, 46, Joh. Eph. *HE* VI. 9-13. BUILD UP OF FORCES: Evagr. v. 14, Theophanes, A.M. 6074, Theoph. Sim. III. 12, Joh. Eph. *HE* VI. 14.

14. Evagr. v. 19, Joh. Eph. *HE* VI. 14, 27-8, Theoph. Sim. III. 15-18.

15. Menander, 47, 50, 54-5, Joh. Eph. *HE* VI. 21-3. For Tiberius' death and Maurice's accession see Joh. Eph. *HE* v. 13.

16. Paulus, *HL* III. 17.

17. Paulus, *HL* III. 16, 18, 22, 28-9, Greg. Tur. *HF* VIII. 18, IX. 25, *MGH (Ep.)* III. 145-7 (two letters of the exarch Romanus). Other correspondence between the Franks and the imperial government about the Lombards are to be found *ibid.* 138-53.

18. Theoph. Sim. I. 3-8, II. 10-18.

19. Theoph. Sim. I. 9, 12-15, II. 1-10, 18, III. 1-3, Evagr. VI. 3-6, 9.

20. Theoph. Sim. III. 4-8, Evagr. VI. 10-13.

21. Theoph. Sim. IV. 1-16, v. 1-15, Evagr. VI. 16-19, Joh. Epiph. 1.

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22. DEATH OF AUTHARI: Paulus, *HL* III. 35.

23. These events are well described (with full reference to the sources) in F. Homes Dudden, *Gregory the Great*. II. 6-17, 21-42. For the Theodosiaci see Greg. *Ep.* II. 45.

24. VENAFRUM: Greg. *Ep.* I. 66, VI. 11. CROTON: *ibid.* II. 40, VII. 23. AUXIMUM: *ibid.* IX. 99-100.

25. Greg. *Ep.* I. 8, II. 44, 48, III. 20, IX. 60. Cf. also I. 15, 51, II. 19, 37, 42, III. 13, VI. 9.

26. C. Diehl, *Études sur l'administration byzantine dans l'exarchat de Ravenne* (568-751), Paris, 1888, is still the basic work on the subject. The title of exarch first appears in 584 (Pelagius II, *Ep.* I, see next note). For his powers see Diehl, *op. cit.* 168-81. The evidence there cited does not prove that he officially issued their codicils to military officers, though he certainly appointed them *de facto*, nor that he had any special powers over the civil administration, though like most military officers of the period (and earlier) he tended to intervene. One may suspect that a new title was invented to distinguish the supreme *magister militum* from the many *duces* who by now bore that title.

27. ROME: Pelagius II, *Ep.* I, quia ita hic coangustata est respublica ut nisi deus piissimi in corde principis inspiraverit ut insitam sibi misericordiam suis famulis largiatur et super illam dioecesim vel unum magistrum militum vel unum ducem dignetur concedere in omni sumus angustia destituti quia maxime partes Romanae omni praesidio vacuatae videntur, et exarchus scribit nullum nobis posse remedium facere quippe qui nec ad illas partes custodiendas se testatur posse sufficere. No regular *dux* or *magister militum* of Rome appears in Gregory's letters. NAPLES: Greg. *Ep.* II. 45, de Neapolitana vero urbe excellentissimo exarcho instanter imminete . . . valde insidiatur eidem civitati, in qua si celeriter dux non mittitur, iam omnino inter perditas habeatur, IX. 17, 53, 65, 124, 162 (Maurentius mag. mil.), X. 5 (Gudiscalco duci Campaniae), XIV. 10 (Guduin duci Neapolim). For Istria and Ariminum the only early evidence is Greg. *Ep.* IX. 160 (*mag. mil.*), I. 56 (*dux*).

28. Greg. *Ep.* IX. 53, 121 (Misenum), 174, cf. 112 (Sipontum), 200, 205 (Hydruntum). At Naples Gregory (*Ep.* II. 34) took it upon himself to appoint a tribune, and at Centumcellae (I. 13) the tribune Zemarchus was succeeded by his widow in his *comitiva* (whose duties appear to have been mainly financial). Cf. also IX. 71, comes castri Aprutiensis.

29. PRAETORIAN PREFECT: Greg. *Ep.* I. 22, 35-6, III. 28 (George), X. 8 (John): cf. the earlier prefect Aurelian in *P. Ital.* 4-5, B. VII. 12, VIII. 4. VICAR OF THE CITY: Greg. *Ep.* X. 8, *Dial.* III. 10, IV. 52. VICAR OF ITALY: Greg. *Ep.* IX. 103. IUDEx CAMPANIAE: *ibid.* III. 1 (cf. I. 66). IUDEx SAMNII: *ibid.* II. 38; the praetor of Sicily is frequently mentioned (I. 2, II. 30, X. 12, XI. 4, 8). PALATINI REI PRIVATAE: *ibid.* IX. 72; in *Ep.* XIII. 26, Gregory speaks sarcastically of a *palatinus* 'qui quasi comes privatarum dici vult'. PALATINI SACRARUM LARGITIONUM: *ibid.* I. 13, IX. 113, *P. Dip.* 120 (572). NUMERARII: Greg. *Ep.* IX. 63, 130, *P. Ital.* 22, lines 36, 51, 55; we also hear of *scriniarii gloriosae sedis* (*P. Ital.* 6, lines 7, 38) and *exceptores gloriosae sedis eminentissimi praefecti* (*P. Ital.*, 22, lines 10, 52). PREFECT OF THE CITY: Greg. *Ep.* IX. 116-17; the *comes formarum* is implied by XII. 6. There was still a *comes patrimonii per Italiam* (Greg. *Ep.* IX. 239).

30. EXARCH: Greg. *Ep.* I. 59, 72-3, IV. 7, IX. 9, cf. VI. 59, VII. 3. PRAETORIAN PREFECT: Greg. *Ep.* IV. 32 (Pantaleon), X. 16, XI. 7 (Innocentius). The last letter

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alludes to the *indices* of the provinces; the *praeses* of Sardinia is mentioned in IX. 195, XI. 12.

31. Theoph. Sim. v. 16, vi. 1-6.

32. Theoph. Sim. vi. 7-11, vii. 1-5.

33. Theoph. Sim. vii. 10-15.

34. Theoph. Sim. viii. 1-7.

35. Theoph. Sim. viii. 8-9.

36. Theoph. Sim. viii. 9-11.

37. *Doctrina Iacobi*, iv. 2.

38. *Ibid.* iii. 9.

39. *Ibid.* v. 16.

## XI. THE GOVERNMENT (pp. 321-3)

1. QUOD PRINCIPI PLACUIT, ETC.: *Inst.* I. ii. 6, cf. *Dig.* I. iv. 1 pr. For Constantine's conception of his divine right see especially Opt. *App.* III, ex quibus forsitan commoveri possit summa divinitas non solum contra humanum genus sed etiam in me ipsum, cuius curae nutu suo caelesti terrena omnia moderanda commisit. The same idea is expressed throughout Eus. *Laud. Const.*, particularly in the elaborate and to the modern reader almost blasphemous analogy drawn between the relation of the Father to the Son, and the Son and the emperor in the second chapter. *Sacer* came to mean simply 'imperial', *σάκερα* became the ordinary Greek for an imperial constitution, e.g. *A.C.Oec.* I. i. pars ii. 80, iii. 31-2, v. 119, etc. For sacrilege see *CTh* I. vi. 9, vi. v. 2, xxiv. 4, xxix. 9, xxxv. 13, vii. iv. 30, viii. 10, etc.

2. *CJ* I. xiv. 4, digna vox maiestate regnantis legibus alligatum se principem profiteri: adeo de auctoritate iuris nostra pendet auctoritas. et re vera maius imperio est submittere legibus principatum, et oraculo praesentis edicti quod nobis licere non patimur indicamus. *Greg. Ep.* xi. 4, cf. XIII. 34, hoc namque inter reges gentium et reipublicae imperatores distat, quod reges gentium domini servorum sunt, imperatores vero reipublicae domini liberorum. Cf. *Amb. Ep.* 21 §9, leges enim imperator fert quas primus ipse custodiat.

3. Gregory Nazianzen states in plain language the various ways in which an emperor might be legitimately created in *Or.* iv. 46, ἡ χρόνος ἡ ψῆφος βασιλεύς ἡ τῆς συγκλήτου βουλῆς, ὡς τὸ πάλαιον, κρείσσει. *Maj. Nov.* i, 458, imperatorem me factum, patres conscripti, vestrae electionis arbitrio et fortissimi exercitus ordinatione cognoscite. For Leo, Anastasius and Justin see below, n. 7.

4. For Diocletian see ch. II, nn. 3, 4. For Constantine see ch. III, n. 15, IV, n. 1. CONSTANTIUS II: *Zos.* II. 45, *Chron. Min.* I. 238, *Aur. Victor, Caes.* xlii. 8 (Gallus), *Amm.* xv. viii. 1-17 (Julian).

5. THE USURPER CONSTANTINE: *Zos.* VI. 4, 13. THE USURPER BASILISCUS: Candidus, I. THEODOSIUS II AND VALENTINIAN III: *Olymp.* 46. Anthemius was crowned as Augustus at Rome 12 April, 467 (*Chron. Min.* I. 305, II. 158), but died on 11 July 472 (*Chron. Min.* I. 306), having reigned 5 years, 3 months and 18 days (*Joh. Ant.* 209); he must therefore have been made Caesar on



25 March 467. LEO AND PATRICIUS: Candidus, 1, Malalas, 371-2. ZENO AND BASILISCUS: Candidus, 1. For Justin II and Tiberius see ch. X, n. 7. Leo also made his grandson Leo II Caesar before finally making him Augustus (Const. Porph. *Cer.* I. 94).

6. VALENS: Amm. XXVI. iv. 3. Gratian: idem, XXVII. vi. 4-16; Ammianus stresses the innovation, 'in hoc tamen negotio Valentinianus morem institutum antiquitus supergressus non Caesares sed Augustos germanum nuncupavit et filium benivole satis'. VALENTINIAN II: Amm. XXX. x. 4-6, Zos. IV. 19. THEODOSIUS I: *Chron. Min.* I. 243. ARCADIUS AND HONORIUS: Zos. IV. 57, 59, *Chron. Min.* I. 244, 298. THEODOSIUS II: *Chron. Min.* I. 299, II. 67.

7. Amm. XXV. v. 1, principio lucis secutae, quae erat quintum Kalendas Julias, hostibus ex omni latere circumfusus, collecti duces exercitus, advocatisque legionum principiis et turmarum, super creando principe consultabant, XXVI. i. 3, progressu Nicaeam versus exercitu, quae in Bithynia mater est urbium, potestatum civilium militiaeque rectores magnitudine curarum adstricti communium, interque eos quidam spe vana sufflati, moderatorem quaeritabant diu exploratum et gravem, XXVI. ii. 2, in unum quaesito milite omni, progressus Valentinianus in campum permissusque tribunal ascendere celsius structum comitiorum specie, voluntate praesentium secundissima ut vir serius rector pronuntiatur imperii. For the later mention of the officers of state or the palace see Const. Porph. *Cer.* I. 91, αὐται εὐχαὶ τοῦ παλατίου· αὐται ἐντεύξεις τοῦ στρατοπέδου· αὐται εὐχαὶ τῆς συγκλήτου· αὐται εὐχαὶ τοῦ λαοῦ (Leo), 92, ὅτι καὶ πρὸ τῶν ὑμετέρων αἰτήσεων ἐκελεύσαμεν τοῖς ἐνδοξοτάτοις ἀρχουσι καὶ τῇ ἱερᾷ συγκλήτῳ μετὰ κοινῆς τῶν γενναιοτάτων (ἐξερχίτων) δοκιμασίας ἀνδρα ἐπιλέξασθαι . . . τοὺς ἐνδοξοτάτους ἀρχοντας καὶ τὴν ἱερὰν σύγκλητον, συντρεχούσης καὶ τῆς τῶν γενναιοτάτων ἐξερχίτων ψήφου . . . βουλευόμενοι μετὰ τῶν εὐδόξων ἀρχόντων καὶ τῆς ἱερᾶς συγκλήτου, συντρεχούσης καὶ τῆς τῶν γενναιοτάτων ἐξερχίτων συναίνεσεως . . . τῶν ὑπερφυεστάτων πρωτεόντων καὶ τῆς ἐνδοξοτάτης συγκλήτου ἢ ἐκλογῇ καὶ τῶν δυνατῶν στρατοπέδου τοῦ τε καθωσιωμένου λαοῦ ἢ συναίνεσις (Anastasius), *Coll. Avell.* 141, proinde sanctitati vestrae per has sacras declaramus epistolas, quod primum quidem inseparabilis Trinitatis favore, deinde amplissimorum procerum sacri nostri palatii et sanctissimi senatus necnon electione fortissimi exercitus, ad imperium nos licet nolentes ac recusantes electos fuisse atque firmatos (Justin I).

8. See ch. VIII, nn. 1, 2, 3, 5, 6, 10, 11. PETRONIUS MAXIMUS: Joh. Ant. 201. 6. AVITUS: Sid. Ap. *Carm.* vii. 571 ff. Nepos' nomination by Leo is recorded only in Jordanes, *Rom.* 338, but implied in Malachus, 10.

9. See ch. VII, nn. 1, 5, 16, IX, nn. 1, 4, X, n. 1.

10. All constitutions in the codes and novels are headed by the names of the whole imperial college: the name of a colleague subsequently condemned as a 'tyrant' was deleted, but Licinius' name has occasionally survived, e.g. *CJ* VII. xvi. 41 and Aug. *Ep.* 88 §4, c. *Cresc.* III. 81. Even a personal letter like that of Constantius Caesar to Eumenius (Pan. Lat. IX. 14) was headed by the names of all four tetrarchs (ibid. 15 §2, 'in his imperatorum et Caesarum litteris'). Conversely Anullinus proconsul of Africa addresses his letter to Constantine 'Auggg. nnn.' (Aug. *Ep.* 88 §2), Symmachus addresses his *relations* as prefect of the city to Valentinian II, Theodosius and Arcadius (except for three personal letters to Valentinian II, Symm. *Rel.*, 13, 14, 43), the younger Symmachus as prefect of the city addresses Honorius and Theodosius II (*Coll. Avell.* 14, 16, 34); and so do private petitioners (*Coll. Avell.* 2, 17). Cf. also *A.C.Oec.* I. i. pars iii. 3, 10, 28, 32, 47, 63, 65; v. 7, vii. 78, 157, *Chr.* I. 6 (letters and petitions to Theodosius II addressed to him and Valentinian III). For the

praetorian prefects see Opt. *App.* viii, 'Petronius Annianus et Iulianus Domitio Celso vicario Africae' (praetorian prefects of Constantine and Licinius), Mansi, iv. 446, exemplar edicti propositi a Palladio pp. Iunius Quartus Palladius, Monaxius, et Agricola iterum, praefecti praetorio, edixerunt, *A.C.Oec.* i. iii. 38 (cf. i. i. pars iii. 69 for the Greek version), Flavius Anthemius Isidorus, Flavius Bassus, et Flavius Simplicius Reginus, praefecti, edixerunt, Just. *Nov.* clxvi: Φλάβιος Θεόδωρος Πέτρος Δημοσθένης, ὁ μεγαλοπρεπέστατος ἐπαρχος τῶν ἱερῶν πραιτωρίων καὶ ἀπὸ ἐπαρχῶν τῆς βασιλίδος πόλεως καὶ ἀπὸ ὑπάτων, Φλάβιος Φαῦστος καὶ Φλάβιος Στέφανος Φλαβίῳ Ὁρταλίνῳ τῷ λαμπροτάτῳ ὑπατικῷ Ἀνδίας, *IGC* 240 and 281 bis, [Φλ. Ἰο]υλειανὸς Πρίσκος [. . .] ὁ μεγαλοπρεπὲς ἐ[παρ]χος τῶν [ἱερῶν] πραιτωρίων, Φλ. Βοήθιος, Φλ. Ἰωάννης.

11. For usurpers seeking recognition from a legitimate colleague see Lact. *Mort. Pers.* xxv (Constantine), Amm. xx. viii. 2-17 (Julian), Zos. iv. 37 (Maximus), 55 (Eugenius), v. 43 (Constantine III).

12. See ch. V, nn. 1, 2 (Salutius), VI, n. 5 (Constantius III), VIII, n. 2 (Avitus), X, n. 14 (Maurice). For Petronius Maximus' earlier career see *ILS* 809, Val. III, *Nov.* i. 2, iii, iv, vii. 1, x, 439-41, Sid. *Ap. Ep.* ii. 13.

13. *MGH* (AA) xii. 425, aliquando Aspari a senatu dicebatur ut ipse fieret imperator, qui tale refertur dedisse responsum, 'timeo ne per me consuetudo in regno nascatur.' For the popular clamour against an Arian Caesar, see Zonaras, xiv. 1, *V. Marcelli*, 34 (*PG* cxvi. 741-4).

14. EUGENIUS AND JOHN: Soc. v. 25, vii. 23. ATTALUS: Zos. v. 44, 46, vi. 7. Olybrius is called a noble senator by Procopius (*BV* i. v. 6) and Evagrius (ii. 7). MAJORIAN: *Chron. Min.* i. 305. GLYCERIUS: Joh. Ant. 209. For Marcian and Leo see ch. VII, nn. 1, 5.

15. GALERIUS, SEVERUS AND MAXIMIN: Lact. *Mort. Pers.* ix. 1, xviii. 12-3, xix. 6; Constantius is of course for obvious reasons declared to be of noble birth. THEODOSIUS: Amm. xxix. vi. 15. For Tiberius see ch. X, n. 7, and for Anthemius, ch. VIII, n. 6. Julius Nepos was nephew of the patrician Marcellinus (*Chron. Min.* ii. 91) and *magister militum Dalmatiae* in 473 (*CJ* vi. lxi. 5).

16. JOVIAN: Amm. xxv. v. 4. EQUITIUS AND VALENTINIAN: idem, xxvi. i. 4, 5. For Anastasius and Justin see ch. VII, n. 29, ch. IX, n. 1.

17. SILVANUS: Amm. xv. v. VETRANIO: Zos. ii. 43. MAGNENTIUS: idem, ii. 42. MAXIMUS: idem, iv. 35, Orosius, vii. xxxiv. 9. CONSTANTINE III: Orosius, vii. xl. 4. PHOCAS: Theoph. Sim. viii. 7. THEODORE: Amm. xxix. i. 8. Other very humble candidates for the throne were Maximianus, the domestic of Aetius, son of an Egyptian merchant, who was a rival of Petronius Maximus (Joh. Ant. 201. 6), and Theocritus, the domestic of Amantius, the *praepositus sacri cubiculi*, who was to have succeeded Anastasius (Malalas, 410, *Chron. Min.* ii. 101).

18. ROUTINE CONSULTATION OF THE SENATE OF CONSTANTINOPLE: *V. Mel.* (G), 44, Proc. *HA* xiv. 7, 8. SENATE CONDEMNS STILICHO: Zos. v. 11; GILDO: Claudian, *de cos. Stil.* i. 326-32; VITALIAN: Joh. Ant. *Exc. de Insid.* 103. DEBATE ON ALARIC: Zos. v. 29; cf. also vi. 12, ἐπὶ τούτοις Ἀττάλος καταλαβὼν τὴν Ῥώμην συνάγει τὴν γερονσίαν, καὶ βουλῆς προτεθείσης ἅπαντες μὲν ὡς εἰπεῖν ἐδοκίμαζον καὶ βαρβάρους χρῆναι μετὰ τῶν στρατιωτῶν εἰς τὴν Λιβύην ἐκπέμψαι. Here again the senate was compelled to ratify an unpopular decision.

19. LEO AND ASPAR: *V. Dan.* 55. ZENO AND THE THEODERICS: Malchus, 11. Other votes of the Constantinopolitan senate are recorded in Zos. iv. 43-4 (war with the usurper Maximus), v. 20 (the appointment of Fravitta as *magister militum*), Candidus, 1, μετὰ τελευτὴν Λέοντος ὁ παῖς Λέων Ζήνωνα τὸν πατέρα

συναίσει τῆς βουλῆς βασιλέα ἔσται. It was suggested that the tangled issues of the Council of Ephesus should be judged at Constantinople εἴτε ἐπὶ τοῦ εὐσεβεστάτου βασιλέως δέοι εἴτε ἐν κονιστορίῳ εἴτε ἐπὶ τῆς ἱερᾶς συγκλήτου (*A.C.Oec.* i. i. pars iii. 37, cf. i. iv. pars ii. 63 for the Latin version); cf. *A.C.Oec.* i. iv. pars ii. 80, omni amico Christi consistorio sive senatui, 65, omnem senatum <et> qui erant in consistorio (but the latter is a mistranslation of i. i. pars vii. 77, ὅλον τὸ κονιστόριον). Anastasius brought the question of the *collatio lustralis* before the senate (Evagr. iii. 39), but probably only to announce its abolition.

20. JULIUS' PLAN: Zos. iv. 26. THE SENATE AND ALARIC: Zos. v. 40 ff., vi. 6-7.

21. LEGAL FORCE OF SENATUS CONSULTA: *Dig.* i. ii. 2 §9, iii. 9, cf. Gaius, i. 4, confirmed by *CJ* i. xvi. 1, 384, quamvis consultum senatus perpetuam per se obtineat firmitatem, *Inst.* i. ii. 5, senatus consultum est, quod senatus iubet atque constituit. nam cum auctus est populus Romanus in eum modum, ut difficile sit in unum eum convocare legis sancienda causa, aequum visum est senatum vice populi consuli. For the citation of the imperial *oratio* see *Dig.* ii. xv. 8 pr., xxiv. i. 23, xxvii. ix. 1 §1, xl. xv. 1 §3. THE LAW OF CITATIONS: *CTh* i. iv. 3 + iv. i. 1 + v. i. 8 + viii. xiii. 6 + xviii. 9 + 10 + xix. 1 + *CJ* i. xiv. 2 + 3 + xix. 7 + xxii. 5 + vi. xxx. 18, 426. Other constitutions on private law addressed to the senate include *CTh* viii. xviii. 1, 315 (S), ix. xiii. 1, 365, *CJ* vi. xxx. 22, 531, ii. xlv. 4 + iii. xxxviii. 12 + v. iv. 24 + vi. xxv. 7, 530. Constitutions on the codification of the law are also addressed to the senate, *CTh* i. i. 5, 429, and Justinian's 'Haec', 'Cordi' and 'Tanta'.

22. *CTh*, *Gesta Senatus*.

23. *CJ* i. xiv. 8, 446, humanum esse probamus, si quid de cetero in publica vel in privata causa emerit necessarium, quod formam generalem et antiquis legibus non insertam exposcat, id ab omnibus antea tam proceribus nostri palatii quam gloriosissimo coetu vestro, patres conscripti, tractari et, si universis tam iudicibus quam vobis placuerit, tunc allegata dictari et sic ea denuo collectis omnibus recenseri et, cum omnes consenserint, tunc demum in sacro nostri numinis consistorio recitari, ut universorum consensus nostrae serenitatis auctoritate firmetur.

24. THE ALTAR OF VICTORY: Amb. *Ep.* 17, 18, 57, Symm. *Rel.* 3. Constitutions addressed to the senate on the privileges of the order are *CTh* xv. xiv. 4, 326, i. xxviii. 1 + vii. viii. 1 + xi. i. 7 + xv. 1 + xxiii. 1 + xii. i. 48 + xiii. i. 3 + xv. i. 7, 361, ix. i. 13, 376, x. xix. 8, 376, *CJ* iii. xxiv. 2 (376), *CTh* vi. ii. 17 + 18, 397, i. vi. 11 + ii. i. 12, 423, *CJ* x. xxxii. 63 (471-4); on the praetorship, *CTh* vi. iv. 5 + 6, 340, 8 + 9, 356, 10, 356, 11, 357, 14 + 15, 359, 16, 359, 12 + 13, 361, 19, 372, 22 + 23, 373, 24, 376, 25, 384, 31, 397, Th. ii, *Nov.* xv. 1, 439; on the corn supply of Rome, *CTh* xiii. v. 27 + ix. 5 + xiv. xv. 3, 397; on the buildings of Rome, *CTh* xv. i. 19, 376; on the *haruspices*, *CTh* ix. xvi. 9, 371.

25. Symm. *Rel.* 8, *CTh* xv. ix. 1 + *CJ* i. xvi. 1, 384.

26. Marc. *Nov.* v pr., 455, nuper cum de testamento clarissimae memoriae feminae Hypatiae, quae inter alios virum religiosum Anatolium presbyterum in portione manifesta bonorum scripsit heredem, amplissimo senatu praesente tractaret pietas mea, Just. *Nov.* lxii, 1 §2, 537, et quia magna utilitas ex iudicandi sinceritate reipublicae nostrae cedit, quaedam autem causae post appellationes iudicibus porrectas in sacrum nostri numinis consistorium inferuntur et a nostris proceribus examinantur, idcirco nobis <placuit> non solum iudices nostros, sed etiam senatores ad examinandas lites in consultationibus conve-

nientes una cum aliis florentissimis nostris proceribus litium facta trutinare, et quemadmodum, si quando silentium ob alia una cum conventu fuerit nuntiatum, omnes colliguntur et proceres et senatores, ita et nunc, quando silentium tantummodo propter alicuius causae examinationem pronuntietur, etsi non addatur conventus vocabulum, tamen eos convenire et omnes consedentes quod eis visum fuerit sub sacrosanctorum evangeliorum praesentia et statuere et ad nostram referre scientiam et augustae maiestatis dispositionem expectare: a solis senatoribus, sed ab utroque ordine, huiusmodi litibus exercendis.

27. In *CTh* vi. xxx. 1, 379, and 4, 378 (S), *comites consistoriani* denote the *comites sacrarum largitionum* and *rei privatae*. The term is used to cover all four offices in *CTh* vii. viii. 3, 384, eos, qui ex praefectis summum sibi fastigium dignitatis agendo pepererunt, et ex magistris equitum ac peditum, quos decursi actus inlustrat auctoritas, adque ex comitibus consistorianis, qui participantes augusti pectoris curas agendo claruerunt, ex praepositis quoque sacri cubiculi, quos tanta et tam adsidua nostri numinis cura inter primas posuit dignitates, and *CJ* ii. xii. 25, 392, quicumque praetorianae vel urbanae praefecturae sublimissimae fastigium vel magisterium militare vel consistorianae comitivae insignia meruerit dignitatis vel proconsulare ius dixerit aut vicarii fuerit administratione subfultus. The quaestor, *magister officiorum* and *comes sacrarum largitionum* are present at a consistory in *CTh* xi. xxxix. 5, 362, pars actorum habitorum apud imperatorem Iulianum Augustum Mamertino et Nevitta cons. X Kal. April. Constan(tin)op(oli) in consistorio: adstante Iovio viro clarissimo quaestore, Anatolio magistro officiorum, Felice com(ite) sacrarum largitionum; the quaestor in *Amm.* xxviii. i. 25, qui cum intromissi in consistorium haec referrent, negantem Valentinianum se id statuisset et calumnias perpeti clamitantem moderate redarguit quaestor Eupraxius; the *comes sacrarum largitionum* in *Amm.* xvi. viii. 7, spretis, qui prohibebant, perrupit intrepidus ingressusque consistorium ore et pectore libero docuit gesta. The praetorian prefect has been denied a seat on the ground that he is never styled *comes*. *Amm.* xiv. vii. 11 is ambiguous, for the fact that the newly appointed praetorian prefect Domitianus was 'rogatus ad ultimum admissusque in consistorium' may mean that he was invited to take his seat or that he was received, like an ambassador. That the military officers were members is deduced from their title *comes*; Arbetio, *magister equitum in praesenti*, takes part in the consistory of *Amm.* xv. v. 8 and the two *magistri praesentiales*, Bauto and Rumoridus, in that of *Amb. Ep.* 57 §3. For the *comes domesticorum* see *CJ* xii. xvi. 1, 415, decuriones nostri palatii post emensum fideliter obsequium postque deposita sacramenta militiae electionem habeant, sive ex magistro officiorum velut agentes dignitatem consequi a nostra maiestate maluerint, sive inter vires illustres comites domesticorum, videlicet inter agentes, taxari, ut tam in adoranda nostra serenitate quam in salutandis administratoribus et reliquis praedicti honoris privilegiis nec non in nostro consistorio his honor omnifariam observetur.

28. It appears from *CJ* xii. xvi. 1 (cited in n. 27) that titular (and therefore presumably real) ex-masters of the offices and *comites domesticorum* were members of the consistory by 415. Examples of men made *comites consistoriani* after a vicariate or proconsulship are *ILS* 1240, L. Aradio Val. Proculo—praesidi provinciae Byzacenae, consulari provinciae Europae et Thraciae, consulari provinciae Siciliae, comiti ordinis secundi, comiti ordinis primi, proconsuli provinciae Africae—comiti iterum ordinis primi intra palatium, praefecto urbi, *ILS* 1254, Fl. Sallustio v.c. cons. ordinario, praef. praet., comiti consistorii, vicario urbi Romae, vicario Hispaniarum, vicario quinq. provinciarum,

*ILS* 1255, Saturninio Secundo v.c. praesidi provinciae Aquitanicae, magistro memoriae, comiti ordinis primi, proconsuli Africae, item comiti ordinis primi intra consistorium et quaestori, praef. praetorio iterum; after a *consularitas*, *ILS* 1225, Mavortii. Fl. Lolliano v.c.q.k. praet. urb., curat. alvei Tiberis et operum maximorum et aquarum, cons. Camp., comiti intra pal[atium] et [v]ice sa[cra iudicanti, comiti] Ori[entis]. . . . *ILS* 1237, Vulcacio Rufino v.c., cons. ordin., praef. praetorio, comiti per Orientem, Ae[g]ypti et Mesopotamiae, per [e]asdem vice sacra iudicanti, comiti ordinis primi intra consistorium, Numidia consulari, *ILS* 1243, Memmio Vitrasio Orfito v.c.,—praef. urbi, non multo interposito tempore iterum praef. urbi, proconsuli Africae, comiti ordinis primi, item comiti intra consistorium ordinis primi, legato petitu senatus populiq. Romani, comiti ordinis secundi, consulari provinciae Siciliae; after the prefecture of the city, *ILS* 1232, . . . [comiti Ori]entis v.s. iudicanti, procons. prov. Africae et v.s. iudicanti, praef. urbis et v.s. iudicanti, iterum comiti ord. primi intra palatium, praef. praet., consuli ord. By the sixth century the Augustal prefect and proconsuls were made *comites consistoriani* as a regular rule, but by this time the title had no practical significance (Const. Porph. *Cer.* I. 85). RETIRED DUCES: *CTh* VI. iv. 28, 396, qui ducatum administrarunt ad editionem vel nominationem praeturae pertineant praeter eos, qui gravissimam armatae militiae sollicitudinem longa temporum serie pertulerunt et eos, qui sacri consistorii nostri arcanis interesse meruerunt. hos enim a praeturae munere alienos esse censemus. It seems likely that *comites rei militaris* were automatically members of the consistory, if only nominal ones. PALATINE OFFICIALS: *ILS* 1244, Fl. Eugenio v.c., ex praefecto praetorio, consuli ordinario designato, magistro officiorum omnium, comiti domestico ordinis primi omnibusque palatinis dignitatibus functo. CONSTANTIUS' COMITES: Ath. *Hist. Ar.* 22, καὶ γὰρ καὶ τοὺς κόμητας αὐτοῦ πεποίηκε γράφαι, Πολέμων, Δατιανόν, Βαρδιώνα, Θάλασσιον, Ταῦρον καὶ Φλωρόντιον, οἷς καὶ μᾶλλον πιστεύειν ἦν. For Taurus' career see *AE* 1934, 159, v.c. Tauro comiti ordinis primi quaestori sacri palatii patricia dignitate praef. praet. per Italiam atque Africam, Amm. XIV. xi. 14 (quaestor in 354), XXI. vi. 5 (praetorian prefect in 360), Lib. *Or.* XLII. 24-5 (notary). Thalassius was at court in 351 (Zos II. 48) and appointed praetorian prefect to Gallus (Amm. XIV. i. 10). Florentius was made praetorian prefect to Julian in 357 (Amm. XVI. xii. 14). Polemius was consul in 338 but is not known to have held any office; he was probably, like Datianus (see n. 29), an imperial favourite. Bardio is otherwise unknown (a German general?).

29. NUMMIUS ALBINUS: *ILS* 1238, Triturrii. M. Nummio Albino v.c. quaestori candidato, praetori urbano, comiti domestico ordinis primi et consuli ordinario iterum, Nummius Secundus eius. DATIANUS: Lib. *Or.* XLII. 24-5 (a notary of humble origins), Ath. *Hist. Ar.* 22 (see n. 28, an important *comes* in 346), Philostorgius, VIII. 8 (a patrician and an influential man in 364); he obtained but thought it wiser to renounce the extraordinary privilege of immunity from taxation (*CTh* XI. i. 1, 360 (S)); he was already patrician at this date, having been consul in 358).

30. Amm. XV. v. 5-8.

31. Amm. XV. v. 18-22.

32. THE PETITION OF THE GOTHs: Eunap. 42, ἐντεῦθεν ἀναφέρεται μὲν ἐπὶ τὸν βασιλέα ἢ γνῶσις πολλῆς δὲ ἀντιλογίας γενομένης, καὶ πολλῶν ἐφ' ἑκάτερα γνωμῶν ἐν τῷ βασιλικῷ συλλόγῳ ἠθροισάν, ἔδοξε τῷ βασιλεῖ; cf. Amm. XXXI. iv. 4. THE ALTAR OF VICTORY: Amb. *Ep.* 57 §3, lecti sunt mei libelli in consistorio, aderat amplissimus honore magisterii militaris Bauto comes et Rumoridus et ipse eiusdem

dignitatis. THE ARIAN BASILICA: Amb. *c. Aux.* 29, de imperatore vult invidiam commovere, dicens indicare debere adulescentem catechumenum, sacrae lectionis ignarum, et in consistorio indicare, quasi vero superiore anno quando ad palatium sum petitus, cum praesentibus primatibus ante consistorium tractaretur, cum imperator basilicam vellet eripere, ego tunc aulae contemplatione regalis infractus sum, *Ep.* 21 §20, dignanter igitur, imperator, accipe quod ad consistorium venire non potui. The consistory also dealt (or was asked to deal) with the problems of the Council of Ephesus (*A.C.Oec.* i. i. pars vii. 74, καὶ ἐπὶ τῆς ὑμετέρας εὐσεβείας καὶ ἐπὶ τοῦ λαμπροῦ κοινιστορίου, 79, ἐπὶ τοῦ εὐσεβεστάτου βασιλέως καὶ τοῦ λαμπροῦ κοινιστορίου, 80, ἢ ἐπὶ τοῦ εὐσεβεστάτου βασιλέως ἢ ἐπὶ τοῦ λαμπροῦ κοινιστορίου, i. iv. pars ii. 162, in consistorio et coram piissimo et amico Christi imperatore nostro): cf. also n. 19.

33. THE QUADI: Amm. xxx. vi. 2-3. AMBROSE AND MAXIMUS: Amb. *Ep.* 24 §§2-3.

34. ADMINISTRATIVE QUESTIONS: *CTb* i. xxii. 4, 383, pars actorum habitorum in consistorio Gratiani A. Gratianus A. dixit, det operam iudex, ut praetorium suum ipse componat. ceterum neque comiti neque rectori provinciae plus aliquid praestabitur, quam nos concessimus in annonis seu cellariis. PETITIONS: *Sirm.* 3, 384, denique lectis in consistorio precibus, quibus episcopalis pietas aliquid postulans refragatur. DELEGATIONS: Amm. xxviii. i. 25 (see n. 27), vi. 9, venerunt in comitatum legati, aditoque principe, verbis, quae perpressi sunt, ostenderunt: obtulerunt decreta, textum continentia rei totius. quibus lectis cum neque relationi officiorum magistri faventis Romani flagitiis, nec contraria referentibus crederetur promissa disceptatio plena dilata est eo more, quo solent inter potiorum occupationes ludi potestates excelsae.

35. *CTb* xii. xii. 4, 364, 10, 385, quotienscumque ex diversis provinciis ad sacrum mansuetudinis nostrae comitatum legationes, quas instruxere decreta, necesse erit commeare, in auditorio quidem celsitudinis tuae universa tractentur, sed ita, ut nullum finem capiat ordo gestorum inlibataque rerum decisio singularum nostro auditui sententiaeque servetur, ita ut deinceps excellentia tua, cum in consistorio mansuetudinis nostrae secundum consuetudinem ex decretis petitiones legatorum de nostris scriniis recitantur, motum proprii arbitrii ratione decursa sententiis, quas pandimus, referat.

36. Amm. xxx. v. 8-10.

37. LARGESSES: Amm. xvi. v. 11, inductis quadam sollemnitate agentibus in rebus in consistorium ut aurum acciperent, inter alios quidam ex eorum consortio, non ut moris est pansa chlamyde sed utraque manu cavata suscepit, et imperator 'rapere' inquit 'non accipere sciunt agentes in rebus'. APPOINTMENTS: *Cf.* xii. viii. 2 (441), omnes privilegia dignitatum hoc ordine servanda cognoscant, ut primo loco habeantur ii, qui in actu positi illustres peregerint administrationes: secundo venient vacantes, qui praesentes in comitatu illustris dignitatis cingulum meruerint: tertium ordinem eorum prospicimus, quibus absentibus cingulum illustris mittitur dignitatis: quartum honorariorum, qui praesentes a nostro numine sine cingulo codicillos tantum honorariae dignitatis adepti sunt: quintum eorum quibus absentibus similiter sine cingulo mittuntur illustris insignia dignitatis. That these appointments were made in consistory is proved by the passages from Peter the Patrician cited in n. 39.

38. THE LIMITANEI: Th. ii, *Nov.* xxiv §5, 443, id autem curae perpetuae tui culminis credimus iniungendum, ut tam Thracici, quam Illyrici, nec non etiam Orientalis ac Pontici limitis, Aegyptiaci insuper, Thebaici, Lybici quemadmodum se militum numerus habeat, castrorumque ac lusoriarum cura

procedat, quotannis mense Ianuario in sacro consistorio significare nobis propria suggestione procures, ut, uniuscuiusque tam industria quam desidia nostris auribus intimata, et strenui digna praemia consequantur, et in dissimulatores competens indignatio proferatur. For legislation see above n. 23.

39. LAWS'READ IN CONSISTORY: *CJ* I. ii. 22, xiv. 12, II. lv. 4, IV. i. 12, xxxiv. 11, v. xii. 31, xxx. 5, VI. iv. 3, xxx. 19, xlii. 30, lxi. 6, VII. xiv. 13, 14, VIII. liii. 34, XI. xlviii. 20. RECEPTION OF PERSIAN ENVOYS: Const. Porph. *Cer.* I. 89-90; ch. 87-8 deal with the reception of envoys from a Western Augustus, precedents from two generations before which Peter may have recorded for antiquarian interest, or may have thought useful in case of a possible re-establishment of the Western Empire. APPOINTMENT OF THE COMES ADMISSIONUM: Const. Porph. *Cer.* I. 84, ὁ κόμης τῶν ἀδμηνησίωνων ἐπὶ σιλεντίου γίνεταί, καὶ καθημέρον τοῦ βασιλέως ἐν κονιστωρίῳ, πολλάκις δὲ καὶ εἰς ἵππικὸν ἀνίων ποιεῖ αὐτὸν ἐν τῷ μεγάλῳ τρικλίνῳ, ἐν ᾧ τόπῳ δέχεται τοὺς ἀρχοντας; OF THE COMITES SCHOLARUM AND THE CURIAE PALATII: *ibid.* I. 84, τοὺς δὲ κόμητας σχολῶν ἢ κουροπαλάτας ἐὰν βουλευθῇ ἐν κονιστωρίῳ προαγαγεῖν, ὡς ἐπὶ τῶν ἄλλων προαγαγῶν καὶ τούτους ποιεῖ· ὡς ἐπὶ πολλὸν δὲ κατέσχευεν ἔθος ἰδίᾳ ἐν τῷ κουβουκλείῳ γίνεσθαι αὐτοὺς καὶ πρὸ ἀρίστου καὶ δέλφης, ὡς ἂν δόξῃ τῷ βασιλεῖ; OF THE AUGUSTAL PREFECT: *ibid.* I. 85, τὰ μανδάτα δίδεται τῇ πρὸ μῆος σιλεντίου, καὶ τὸν ἀγροστατίου Ἀλεξανδρείας ἔπανσεν. καὶ μετὰ τὸ γενέσθαι πάντα τὰ ἐξ ἔθους δίδωσιν αὐτῷ κωδικέλλια; OF PROTECTORES, PROTECTORES DOMESTICI AND CANDIDATI: *ibid.* I. 86 . . . γὰρ δὲ προβατωρεῖαν ποιεῖ ὁ δεσπότης, καὶ προσάγει αὐτὸν ὁ δηκουρίων ἀτραβατικὸν φοροῦντα χλανίδιν, ἣ ἐν κονιστωρίῳ μετὰ τὸ πάντα παραχθῆναι, ἣ ἀνιόντος αὐτοῦ εἰς τὸ ἵππικὸν ἵσταται ἐμπρὸς τοῦ δέλφακος, . . . καὶ ταῦτα μὲν ἢ συνήθεια· ὁ μέντοι εὐσεβῆς ἡμῶν δεσπότης πολλάκις καὶ ἐν φερλαῖς καὶ ἔσω καθημέρος ἐκέλευσεν γενέσθαι πάσας ταύτας τὰς στρατίας καὶ διχα σιλεντίου.

40. For the distinction between the formal reception of envoys and the actual negotiations see Const. Porph. *Cer.* I. 89-90. For the report on the *limitanei* note that *CJ* I. xxxi. 4 omits 'mense Ianuario in sacro consistorio' from Th. II, *Nov.* xxiv. ANASTASIOS AND THE CONSISTORY: *Zach. Myt. Chron.* VII. 7-8.

41. PROCERES PALATII: *CJ* I. xiv. 8, 446 (cited in n. 23), cf. Const. Porph. *Cer.* I. 91-2, *Coll. Avell.* 141 (cited in n. 7), and especially Const. Porph. *Cer.* I. 92, οἱ δὲ ἥκοντες, τεθέντων σκαμνίων πρὸ τοῦ δέλφακος, ἐκάθισαν, καὶ ἤρξαντο βουλευέσθαι περὶ τοῦ ὀφειλοντος γενέσθαι, καὶ πολλή φιλονεικία μεταξὺ αὐτῶν ἐκινήθη. ὁ δὲ πραιπόσιτος Οὐρβίκιος ἐνφυέστερον ἐδήλωσεν αὐτοῖς, ὅτι καλῶς ποιεῖτε τῇ ἀγνούσῃ παρέχοντες τὴν αἰθεντείαν, ἵνα αὐτῇ ἐπιλέξηται, ὃν ἂν βουληθῇ . . . , καὶ ὅπῃ ἐδόθη τὰ μανδάτα σιλεντίου καὶ κομέντον, καὶ τῇ ἐξῆς προῆλθον πάντες ἀπὸ λευκῶν χλανιδίων, καὶ ἐδέχθησαν ἐν τῷ κονιστωρίῳ.

42. *A.C.Oec.* II. i. 334-5, iii. 407-9. For the status of the *praepositus sacri cubiculi* see *CTh* VI. viii. 1, 422.

43. Th. II, *Nov.* vii. 2, 440, 3, 440, 4, 441.

44. *CTh* XI. vii. 17, 408, 18, 409.

45. For Justina, Pulcheria and Galla Placidia see ch. V, n. 51, ch. VI, n. 1. EUTROPIUS: Zos. v. 8-12, Claudian, in *Eutrop.* I. 170 ff., II. 58 ff., *V. Porph.* 26. For Chrysaphius see ch. VI, n. 13.

46. ARBOGAST: Zos. IV. 53, Joh. Ant. 187, Soz. VII. 22. For Stilicho and the *magisterium militiae* see ch. VI, n. 2.

47. VALENTINIAN III AND ARBOGAST: Zos. IV. 53-4. FALL OF STILICHO: Zos. v. 32-4. MURDER OF AETIUS: Joh. Ant. 201. 2.

48. See ch. VI, nn. 9-13.

49. For Aspar and Marcian see ch. VII, nn. 1, 2, Aspar and Leo, ch. VII, nn. 5, 7, 8, 10-12.

50. TITLE OF PATRICIAN: *ILS* 801, 8992 (Constantius), 1293, 1298 (Felix), Val. III, *Nov.* xxxiii (Aetius), *ILS* 813, 1294, Maj. *Nov.* i, xi (Ricimer). CONSTANTIUS AND THE URBAN PREFECT: *Coll. Avell.* 29-32. AETIUS AND THE ROMAN SEE: Val. III, *Nov.* xvii §4, 445; AND THE ROMAN PORK SUPPLY: Val. III, *Nov.* xxxvi pr., 452, non miramur inter bellicas curas et obstrepentes lituos ordinatione magnifici viri parentis patriciique nostri Aetii formam publicae dispositionis in meliorem statum fuisse mutatam, cuius sollicitudini facillimum effectum praestitit amplitudinis vestrae in aeternum consulens laudanda provisio, quae sacrae urbis privilegiis et administrantis providentia et optimi civis affectione subvenit, cf. also Val. III, *Nov.* i, 3 §4, 450, utrum mitti debeat inspector publicus tractatus ante deliberet sublimis viri parentis patriciique nostri, nec non magnifici viri praefecti praetorio, qui communionis utilitate virtutum suarum magnitudinem nobiscum pervigiles et cogitant et tuentur: cum aulicis potestatibus pro sua moderatione disponant, si iusta necessitas cogit, qualis persona mittatur.

51. For Stilicho and the military offices see ch. VI, n. 2. NOMUS AND THE LIMITANEI: Th. II, *Nov.* xxiv, 443, cf. *Nov.* xxiii §2, 443, where the enforcement of a law on civic lands is entrusted to Apollonius, praetorian prefect of the East, 'una cum viro inlustri magistro officiorum, cuius administratio probatissima nobis est'. THE MASSACRE OF STILICHO'S MEN: Zos. v. 32.

52. *V. Porph.* 26-7.

53. *Ibid.* 37-41.

54. *Ibid.* 42-51.

55. *A.C.Oec.* i. iv. pars ii. 224-5.

56. EUSEBIUS: Amm. xviii. iv. 3. MARINUS AND THE VINDICES: Joh. Lydus, *Mag.* II. 46, 49; AND SABA: Cyr. Scyth. *V. Sabae*, 54 (this incident proves that *vindices* were instituted some time before). For the dates of Marinus' prefecture see Bury, *Later Roman Empire*, I<sup>2</sup>. 470.

57. *CJ* i. xiv. 3, 426, leges ut generales ab omnibus aequabiliter in posterum observentur quae vel missa ad venerabilem coetum oratione conduntur vel inserto edicti vocabulo nuncupantur, sive eas nobis spontaneus motus ingesserit sive precatio vel relatio vel lis mota legis occasionem postulaverit. Cf. Just. *Nov.* ii pr., 535, καὶ τοῖς πρὸ ἡμῶν νενομοθετηκόσι 'Ρωμαίοις τῆς αἰ νομοθεσίας ἀφορμὴν ἢ τῶν ἀναφνομένων πραγμάτων ἐδίδου ποικιλία, καὶ ἡμεῖς, τὸ νομοθετικὸν ἅπαν κατακοσμήσαντες τῆς πολιτείας μέρος, τὴν ὅλην σχεδὸν ἐπανόρθωσιν ποτὲ μὲν ἐπὶ ταῖς τῶν δεομένων προσαγγελίαις, ποτὲ δὲ ἐπὶ ταῖς δικαστικαῖς ζητήσεσιν ἐποιήσαμεθα καὶ πολλοὺς γε τῶν νόμων ἐντεῦθεν τοῖς ὑπηκόοις τοῖς ἡμετέροις ἐγγράψαμεν.

58. For Justinian's legal reforms see pp. 477-9. ANTIOCHUS: *CTh* i. v. 5, 429, 6, 435, Th. II, *Nov.* i, 438. For the legal reform of 426 see above n. 21 (the law of citations).

59. Marc. *Nov.* v, 455 (repealing *CTh* xvi. ii. 20), Just. *Nov.* xiv, 535, xli, 537, lxxiii, lxxvi, 538, lxxxviii, xci, 539, cviii, 541.

60. Marc. *Nov.* iv, 454, Maj. *Nov.* ix, 459. Cf. also *Sirm.* i, 333, *CJ* vi. lxi. 5, 473, Just. *Nov.* cxii, 541, cxv, 542, pervenit ad scientiam nostrae serenitatis, quod [cum] inter Eustathium virum reverentissimum Tloae civitatis episcopum et Pistum diaconum ecclesiae Telmissenae fuisset causa commota, processit a rectore provinciae definitiva sententia, contra quam appellatio est porrecta.



iudices igitur, apud quos appellatio ventilabatur, dubitantes ad nostram clementiam retulerunt. A curious *relatio* is that of the emperor Anthemius to his senior colleague Leo (Anth. *Nov.* ii-iii, 468).

61. Just. *Nov.* clxii, 539: ἐπύθετο ἡμῶν ἡ σὴ ἐνδοξότης περὶ τινων ἀμφισβητουμένων παρὰ τῶν ἐλλογισμωπᾶτων τῆς παρὰ Ἰλλυριοῖς ἀγορᾶς τῆς δίκης ἀγωνιστῶν, ἀπερ ἔφησας ἡμετέρας διακρίσεως δεῖσθαι, ὥστε μὴ διηνεκῶς στασιάζεσθαι, *CJ* II. iii. 30, 531, de quaestione tali a Caesariensi advocazione interrogati sumus; cf. also *CJ* VI. xxxviii. 5, 532, suggestioni Illyricianae advocacionis respondentes decernimus familiae nomen talem habere vigorem.

62. LEONIUS AND PELAGIA: Val. III, *Nov.* xxi. 1, 446, 2, 446. GREGORIA, MARTHA AND THECLA: Just. *Nov.* ii, 535, clv, 533, clviii, 544. ARISTOCRATES: Just. *Nov.* clx (undated). ANDREW: Just. *Nov.* cliii, 541. Other laws provoked by private petitions are Val. III, *Nov.* viii. 1, 440, 2, 441, Anth. *Nov.* i, 468, Just. *Nov.* xciii, 540, cxxxv (undated), clx, 555.

63. BOTTOMRY LOANS: Just. *Nov.* cvi, 540, repealed by cx, 541. ARGENTarii: Just. *Nov.* cxxxvi, 535, *Ed.* vii, 542, ix (undated). CURIALES: Just. *Nov.* ci, 539. There are general references to litigants in Just. *Nov.* i, 535, liii, 537, xciv, xcvi, 539.

64. VINDICES: Joh. Lydus, *Mag.* III. 46, 49. THE CURRENCY: Malalas, 400. SILQUATICUM: Val. III, *Nov.* xv, 444. ABOLITION OF THE COLLATIO LUSTRALIS: Evagr. III. 39.

65. Th. II, *Nov.* xviii, 439, fidem de exemplis praesentibus mereantur historiae, et omni dehinc ambiguitate liberetur antiquitas, quae nobis summos viros praetulisse rem publicam facultatibus indicavit, cum virum illustrem Florentium, praefecturae praetorianae administratione subfultum, cernamus non iam cum maiorum laudibus, sed cum suis magnis in rem publicam meritis praeclari animi aemula virtute certantem existimationem rei publicae non solum consilio suo ac providentia, sed etiam devotione ac munificentia pudendae turpitudinis labe atque ignominia liberasse. nam cum lenonum calliditate damnable circumventam veterum videret incuriam, ut sub cuiusdam lustralis praestationis obtentu corrumpendi pudoris liceret exercere commercium, nec iniuriam sui ipsam quodammodo ignaram cohibere rem publicam, pio circa omnium verecundiam proposito mansuetudini nostrae amore pudicitiae castitatisque suggestit ad iniuriam nostrorum temporum pertinere, si aut lenones in hac liceret urbe versari, aut eorum turpissimo quaestu aerarium videretur augeri. ac licet nos illud adverteret execrari etiam cessante vicaria oblatione vectigal, tamen, ne ullum ad aerarium incommodum perveniret, propriam possessionem obtulit, ex cuius redditibus possit accedere, quod praedictum pessimum genus consueverat pensitare. Cf. *CTh* xv. viii. 2, 428.

66. Amb. *Ep.* 40 §4, praesertim cum etiam imperatoribus non displiceat suo quemque fungi munere, et patienter audiat unumquemque pro sua suggerentem officio, imo corripatis si non utatur militiae suae ordine.

67. MAGISTER OFFICIORUM: *CTh* VII. viii. 8, 405, Th. II, *Nov.* vi, 438 (*fabricae*), xxv, 444 (*metata*), xxi, 441 (*scholae*), Val. III, *Nov.* xxviii, 449 (*agentes in rebus*), xxx, 450 (*lampadarii*). COMES SACRARUM LARGITIONUM: *CTh* VI. xxx. 8, 385, Val. III, *Nov.* vii. 3, 447 (*palatini*), xxiv, 447 (*collatio lustralis*), Th. II, *Nov.* xvii. 1, 439, suggestionem viri illustris comitis sacrarum largitionum Marcellini, vicem agentis viri illustris comitis rerum privatarum, admodum comprobamus (*petitiones*). COMES REI PRIVATAE: Th. II, *Nov.* v. i, 438, xix, 440 (*res dominica*), Maj. *Nov.* v, 458 (*caduca*), Just. *Nov.* cxxxix (535-6) (incest); cf. Val. III, *Nov.*

i. 3 §7, 450. MAGISTRI MILITUM: Th. II, *Nov.* vii. 4, 441. PRAEFECTUS PRAETORIO: Th. II, *Nov.* vii. 1, 439, 2, 440 (*praescriptio fori*); xiii, 439 (*supplicatio*); v. 2, 439, 3, 441 (*fundi limitotrofi*); xx, 440 (*adluviones*); Val. III, *Nov.* vii. 1, 440, 2, 442, Just. *Ed.* ii (531-5) (tax collection), Val. III, *Nov.* i. 1, 438, 2, 440, iv, 440, Marc. *Nov.* ii, 450, cf. Th. II, *Nov.* xxvi, 444, referring to the 'dispositio amplissimae recordationis Antiochi' and the law 'quae ad viri inlustris et consularis Florentii suggestionem emissa est' (remissions); Val. III, *Nov.* ii. 2, 442, Th. II, *Nov.* x. 1, 439 (advocates); Marc. *Nov.* iii, 451 (civic lands); Th. II, *Nov.* viii, 439 (ships); ix, 439, xv. 1, 439, 2, 444, xxii. 1, 442, Just. *Nov.* xlv, 537, cli (*curiales*); *Sirm.* 11, 412 (fiscal privileges of the church); *CJ* I. 1. 2, 427 (acting provincial governors); *CTh* VIII. iv. 29, 428 (*cobortales*). Cf. also *CTh* I. viii. 1, 415, Just. *Nov.* xxxv, 535, for *suggestiones* of the quaestor touching military commissions issued *de minore laterculo* and the number of his *adiutores*. Magistrates of course also made routine administrative *suggestiones* when permission or action by the emperor was required, e.g. *CTh* VIII. i. 10, 365 (*mag. mil.*), v. 13, 362 (*CSL*), x. ix. 2, 395 (*CRP*), xi. xxx. 41 (*CRP, CSL*), xiv. vi. 3, 365 (*indices* at Rome). *CJ* I. xxix. 4, xii. xxxv. 17, 472 (*mag. mil.*).

68. *CTh* xv. v. 4, 424, Th. II, *Nov.* iv, 438.

69. *CTh* XII. i. 33, Rufino comiti Orientis, 342, quoniam sublimitas tua suggestit; VIII. iv. 4, Antonio duci Mesopotamiae, 349, iuxta suggestionem vicarii Mesopotamiae (the second *Mesopotamiae* is a dittography of the first); VII. i. 4, ad Cretionem v. c. com. 350, quamvis omni tempore opera dari debuerit, ne sacramentis militaribus spretis otio traderentur qui nec stipendiorum numero nec contraria corporis valetudine quiete perfrui debent, tamen prudentiae tuae prosecutione admissa, quae apud nos verbis facta est, praecipimus, ut, qui ante stipendia emensa vel integra corporis valetudine otio mancipati sunt, restituantur pristinis numeris. Cf. *Amm.* xxxi. vii. 4 for Cretio *comes Africae*. Cf. also *CTh* VII. iv. 12, 364, in provinciis statione militum adfici possidentes Ursicini comitis suggestionem cognovimus.

70. Val. III, *Nov.* xxii, 446, officium sedis celsitudinis tuae, sine quo necessitates publicae nequeunt expediri, per infortunia multa iam saucium, medicinam nostrae curationis exposcit, quae dudum potuisset adhiberi, si suggestio similis ante manasset. Just. *Nov.* xx pr., 536, congregatisque et apud tuam celsitudinem et gloriosissimum nostrum quaestorem saepius et his, qui ex sacris scriniis appellationibus ministrant, et qui ex tuae sedis officio, novissime ad quandam formam causa perducta est, quam ex non scripto ad nos deduxistis. Cf. also *CJ* XII. xix. 15, 527, certae quidem sunt dispositiones nostri numinis quas super adiutoribus viri illustris pro tempore quaestoris nostri palatii, quorum obsequio res agitur quaestoria, dedimus. quarum prima quidem ad supplicationem eorundem adiutorum emissa, etc. Val. III, *Nov.* xxviii, 449, suggestionem sequentes agentum in rebus scholae, *CJ* XII. xxi. 8, 484, multis devotissimae scholae agentum in rebus additionibus permoti. QUARREL OVER COMMISSIONS: *CTh* I. viii. 1, 415, viro illustri quaestore Eustathio suggerente cognovimus per innovationem quorundam a minore laterculo praeposituras fuisse sublatas, 2, 424, 3, 424.

71. *CTh* I. xii. 5, 396, officium Hellesponti consularis aeternae recordationis patrem serenitatis nostrae adiit et expositis suis incommodis, quibus a vicarianis apparitoribus urgebatur, oravit sub tuae sublimitatis agere potestate, xv. xi. 2, 417, praesidialis officii Eufratensis deploratione comperimus eos qui transductioni ferarum a duciano officio deputantur, etc.

72. E. A. Thompson, *A Roman Reformer and Inventor* (Oxford, 1952).

73. Syn. *de Regno*, 14, 15. Libanius' *Orations* xxx (on the temples), xxxiii (against Tisamenus), xlv (on prisoners), xlvi (against Florentius), xlvii (on patronage), xlix (on the city councils), l (on corvées), li, lii (on lobbying governors), are all addressed to the emperor.

74. IRON LEVY: Basil, *Ep.* 110. ASSESSMENT OF CYRRHUS: Theod. *Ep.* (PG) 42-7. THE SAMARITANS: Just. *Nov.* cxxix, 551. BISHOPS AS WATCH-DOGS: *CJ* I. iv. 22, 529, Just. *Nov.* lxxxvi. 1, 539.

75. For the senate see above n. 24. EPIPHANEIA: *CTb* VII. iv. 25, 398, quoniam clementia nostra poscenti Epifanis ordini consensit, ut Novembri mense novellum vinum militi praeberetur. HERACLEA: Th. II, *Nov.* xxiii, 443, quapropter cum voti causa per Heracleotanam civitatem transitum faceremus, petitionibus civium eiusdem maxima sumus cum miseratione commoniti, qui tam murorum suorum quam aquaeductus nec non etiam aliorum operum publicorum, utpote longo tempore neglectorum, curam fieri oportere nostris provisionibus flagitarunt. et quoniam saepe ab una civitate vel homine postulatam remedium generalem solet formam correctionis adferre, horum desideriis annuentes, liberalitatem nostram ad omnes provincias ducimus propagandam. Cf. *CJ* I. xl. 6, 385, civitas Rhodiorum iniuriam suam non tam decenter quam sero conquesta est.

76. *CTb* XI. vii. 18, 409, recens conditae legis in hac parte auctoritate sequestrata quae ritu vetustatis neglecto palatina munera dignitatis intempestiva legatorum Achivorum admonitione abstulerat; XI. i. 33, 424: id ab unaquaque provincia censuimus expetendum, quod ab isdem nuper esse promissum tua sublimitas indicavit. ut vero nullus de cetero ad possessiones eorum, quod maxime reformidant, inspector accedat, Macedonum reliqui exemplum secuti mediae quantitatis, ut obtulisse noscuntur, tributa suscipiant. sed Achivi, qui protestati sunt nihil a se ultra tertiam partem posse conferri, illud exsolvant, ad quod se indubitanter fore idoneos pollicentur; XI. i. 34, 429, quae pietatem nostram viri spectabilis Bubulci comitis et legati decernere coegit eloquium; XII. i. 186, 429, legatio proconsularis provinciae per Bubulcum spectabilem virum comitem curiales pro aliis, qui nec in eodem territorio possident, deflevit adstringi, quod ab obnoxiiis saepe debetur devotissimi quique cogantur exsolvere, Val III, *Nov.* xiii, 445, Numidarum et Maurorum Sitifensium nuper acta legatio, quam Palladius vir spectabilis comes et . . . tribunus vir clarissimus, et Maximinus vir laudabilis sacerdotalis probabiliter executi sunt, huius legis praeceptum de nostra perennitate promeruit.

Other allusions to provincial delegations are *CTb* XI. vii. 4, ad Afros, 327, 'quoniam subclamatione vestra merito postulastis', Sev. *Nov.* ii, 465, Just. *Nov.* cxlv, 553.

77. HERACLIAN: *CTb* IX. xl. 21, honoratis et provincialibus Africae, 413. The law addressed to the province of Byzacena is *CTb* V. xv. 16+x. x. 9+XI. xix. 3+XII. i. 59+60+XVI. ii. 17. Cf. VII. iv. 26+VIII. v. 63+XI. i. 29, provincialibus provinciae proconsularis, 401.

78. *CJ* II. vii. 13, 468: petitionem virorum disertissimorum advocatorum Alexandrinae splendidissimae civitatis, quam de fori sui matricula et fisci patrono obtulerunt, merito admittentes hac sanctione decernimus, 24, 517, petitiones virorum disertissimorum fori praesidialis secundae Syriae provinciae advocatorum cum competenti moderatione censuimus admittendas et iubemus, 20, 497, suggestionem viri illustris comitis privatarum et proconsulis Asiae duximus admittendam, per quam nostrae serenitatis auribus intimavit fori sui advocatos communi petitione magnopere postulasse.

79. *CTh* XIII. v. 16+ix. 3, *naviculariis Afris*, 380, XIII. v. 36+37+ix. 6, *naviculariis per Africam*, 412.

80. For the *argentarii* see above n. 63. LECTICARII: Just. *Nov.* xliii pr., 536, *adeuntes autem qui collegiorum sunt felicissimae nostrae huius regiae civitatis, quorum praecipue nobis cura est, nostram docuerunt potestatem, magnam et importabilem se sustinere vexationem.* COLLECTARII AND MANCIPES SALINARUM: Symm. *Rel.* 29, 44. Laws confirming the privileges of the *corporati urbis* and regulating the *navicularii amnici* and the distribution of oil are suggested by the prefect of the city in Val. III, *Nov.* xx, 445, xxix, 450, *CTh* XIV. xvii. 15, 408. Honorius addressed a constitution directly to the *decuriales*, *CTh* XIV. i. 4, 404.

81. Symm. *Ep.* I. 17.

82. TYMANDUS AND ORCISTUS: *ILS* 6090, 6091. APHRODITO: *P. Cairo*, 67019, *αὐτόπρακτος καὶ αὐτοτελὴς τῶν ἐδσεβῶν καὶ δημοσίων φόρων . . . ἐχόντων τὸ προνόμιον αὐτῶν ἀπὸ θεοῦ τύπου τοῦ τῆς θείας λήξεως Λέοντος*, cf. pp. 407-8.

83. Laws protecting peasants are *CTh* XI. x. 1, 369, xi. 1, 368, *CJ* XI. xlviii. 5 (365-6), I. 1 (325). For *coloni*, see pp. 799-801.

84. THE GREEK SHOPKEEPERS: Val. III, *Nov.* v, 440, *Graecos itaque negotiatores, quos pantapolas dicunt, in quibus manifestum est maximam inesse multitudinem magnamque in emendis vendendisque mercibus diligentiam, ulterius non patimur sacrae urbis habitatione secludi, licet eos dissensio et maxima invidia tabernariorum magis quam venerabilis urbis Romae utilitas a negotiatione submoverit.* LAW AGAINST COMBINATIONS: *CJ* IV. lix. 2, 483. THE GARDENERS: Just. *Nov.* lxiv, 538, *πολλὰι πανταχόθεν ἡμῖν μέμψεις ἐκ χρόνου πολλοῦ κατὰ τῶν τῆς εὐδαίμονος ταύτης πόλεως καὶ τῶν αὐτῆς προαστείων κηπουρῶν προσφέρονται, δυσχεραίνοντων ἀπάντων πρὸς τῇν αὐτῶν κακουργίαν.*

85. *CTh* VII. xx. 1, 2, 326 (S).

86. MUTINIES: Amm. XX. iv (Julian), Zos. v. 32-4 (Stilicho), Proc. BG I. i. 2-8 (Odoacer), Theoph. Sim. III. 1-4, VIII. 17-8 (Maurice). For the donative see pp. 624, 670.

87. *C. Sard.* can. 7.

88. DONATISTS: *Cod. Can. Eccl. Afr.* 93-4, cf. *CTh* XVI. v. 38+vi. 3, vi. 4+5, v. 37, v. 39, 405; *Cod. Can. Eccl. Afr.* 99, cf. *CTh* XVI. v. 41, 43, 407; *Cod. Can. Eccl. Afr.* between can. 106 and 107, Aug. *Ep.* 97, cf. *CTh* XVI. v. 44, 45, 408, ii. 31, v. 46-7, 409; *Cod. Can. Eccl. Afr.* 107, cf. *CTh* XVI. v. 51, 410. PAGANS: *Cod. Can. Eccl. Afr.* 58, cf. *Sirm.* 12, 407. MANICHEES: Val. III, *Nov.* xviii, 445, *superstitio paganis quoque damnata temporibus, inimica publicae disciplinae et hostis fidei Christianae, ad excidium sui clementiam nostram non immerito provocavit. Manichaeos loquimur, quos execrabiles et toto orbe pellendos omnium retro principum statuta iudicarunt. nec dissimulationem crimina nuper detecta patiuntur. quae enim et quam dictu audituque obscoena in iudicio beatissimi papae Leonis coram senatu amplissimo manifestissima ipsorum confessione patefacta sunt?* *Sirm.* 10, 420, forbidding the clergy to have housekeepers, was enacted on the instance of a bishop, and *Sirm.* 2, 405, on deposed bishops, on that of a council of bishops.

89. *CTh* XVI. ii. 15, 360, in Ariminensi synodo super ecclesiarum et clericorum privilegiis tractatu habito usque eo dispositio progressa est, ut iuga, quae videntur ad ecclesiam pertinere, a publica functione cessarent inquietudine desistente: quod nostra videtur dudum sanctio reppulisse; it would appear from *CTh* XI. i. 1, 360 (S), that the council's petition was granted for a brief

period. IMMUNITY OF THE CHURCH OF THESSALONICA: *CTb* XI. i. 33, 424, sacrosancta Thessalonicensis ecclesia civitatis excepta, ita tamen, ut aperte sciat, propriae tantummodo capitationis modum beneficio mei numinis sublevandum nec externorum gravamine tributorum rem publicam ecclesiastici nominis abusione laedendam. On decurions, see pp. 745-6, 925-6. On *episcopalis audientia*, see p. 480. On *praescriptio fori*, see pp. 491-2, Just. *Nov.* lxxxiii, 539, on this topic, was evoked by a petition of the patriarch of Constantinople. Other ecclesiastical petitions led to modifications of the laws against alienation of church lands, Just. *Nov.* xl, 535, lxv, 538; another petition was rebuffed, Just. *Nov.* clvi (undated).

90. On provincial councils see pp. 763-6.

91. TAX REMISSIONS: *CTb* XI. xxviii. 5, 410, i. 33, 424, Val. III, *Nov.* xiii, 445. TAX COLLECTION: *CTb* XI. xix. 3, 364, VII. iv. 26, XI. i. 29, 401. CROWN LANDS AND INFORMERS: *CTb* IX. xxxiv. 5, 338, X. x. 9, 364, 10, 365, 19, 387. APPEALS, ETC.: *CTb* XI. xxx. 15, 329, xxx. 32+xxxvi. 15, 365 (S). OTHER ABUSES: *CTb* VIII. iv. 2, 315, v. 63, 401.

92. *CTb* XVI. viii. 3, decurionibus Agrippiniensibus, 321; XII. i. 29, ordini civitatis Constantinae Cirtensium, 340; 41, ordini Carthaginiensium, 353; 42, ordini Caesenatium, 354; XII. i. 60+XVI. ii. 17, ad Byzacenos, 364; VII. i. 6+XII. i. 64, Mauris Sitifensibus, 368.

93. On the varying privileges and disabilities of officials see ch. XVI. COHORTALES OF SYRIA: *CTb* VIII. iv. 11, 365. VICARIANI OF PONTICA: *CTb* I. xv. 11. 380.

94. THE CUBICULARII: *CTb* X. x. 32, 425, 34, 430. THE PALATINI: Val. III, *Nov.* vii. 1, 440, 2, 442.

95. See pp. 509-10.

96. *CTb* VII. xiii. 12, 13, 14, 397. Symm. *Ep.* vi. 58, 62, 64.

97. Val. III, *Nov.* i. 3, 450; Val. III, *Nov.* xv, 444, proclaims the bankruptcy of the treasury.

## XII. THE ADMINISTRATION (pp. 366-8)

1. On the numbers of the *scholae* see p. 613, on the numbers of the ministries see pp. 571, 573, 576, 583, 585.

2. Even *praefectiani* all received *capitum* (fodder allowances), see *CJ* I. xxvii. 1 §§22 ff., 534. On the *mensores* see pp. 582-4. *CTb* VI. xxxvi. 1, 326 (S), sed nec alieni sunt a pulvere et labore castrorum, qui signa nostra comitantur, qui praesto sunt semper actibus, quos intentos eruditis studiis itinerum prolixitas et expeditionum difficultas exercet.

3. MAGISTER MEMORIAE: SHA, *Claudius*, 7, extat ipsius epistola missa ad senatum legenda ad populum—hanc autem ipse dictasse perhibetur, ego verbo magistri memoriae non requiro, SHA, *Carus*, 8: Julius Calpurnius, qui ad memoriam dictabat, talem ad praefectum urbis super morte Cari epistolam dedit, Petr. Patr. 14, *ὅτι Γαλέριος καὶ Διοκλητιανὸς εἰς Νίσιβιν συνήλθον, ἐνθα κοινῇ βουλευσάμενοι στέλλουσιν εἰς Περσίδα πρεσβευτὴν Σικώριον Πρόβον ἀντιγραφά*

τῆς μνήμης. The *Scriptores Historiae Augustae* do not know of the quaestor and regard the *magistri officiorum* as the chief imperial secretaries (e.g. *Pesc. Niger*, 12, *Alex. Sev.* 31–2, *Gallienus*, 17). QUAESTOR: Zos. v. 32, ὁ τὰ βασιλεῖ δοκοῦντα τεταγμένος ὑπαγορεύειν, ὃν κομιστῶρα καλεῖν οἱ ἀπὸ Κωνσταντίνου δεδωκάσι χρόνοι. The earliest known quaestors are Montius (of Gallus Caesar in 353, *Amm.* xiv. vii. 12, *Soc.* ii. 34, *Soz.* iv. 7, *Philostorgius*, iii. 28), Taurus (of Constantius II in 354, *Amm.* xiv. xi. 14), and Leontius (of Gallus Caesar in 354, *Amm.* xiv. xi. 14). DUTIES OF THE QUAESTOR: *Not. Dig. Or.* xii, *Occ.* x, sub dispositione viri illustris quaestoris: leges dictandae, preces, *Symm.* *Ep.* i. 23: quaestor es, memini; consilii regalis particeps, scio; precum arbiter, legum conditor, recognosco, *Cass. Var.* vi. 5 (formula), *V. Porph.* 50, τῇ δὲ ἐξῆς μετεπέμψατο τὸν κομιστῶρα καὶ ἡμᾶς, λέγει δὲ αὐτῷ· λάβε τὸν χάριτην τοῦτον καὶ κατὰ τὴν δύναμιν αὐτοῦ διατύπωσον θεῖον γράμμα. DUTIES OF MAGISTRI SCRINIORUM: *Not. Dig. Or.* xix, magister memoriae adnotationes omnes dictat et emittit et precibus respondet. magister epistolarum legationes civitatum, consultationes et preces tractat. magister libellorum cognitiones et preces tractat. magister epistolarum graecarum eas epistolas quae graece solent emitti aut ipse dictat aut latine dictatas transfert in graecum. *Occ.* xvii omits the *magister epistolarum Graecarum*. For the work of the quaestor and *magistri scriniorum* in connection with petitions and rescripts see Val. iii, *Nov.* xix, 445, Th. ii, *Nov.* xvii. 2, 444, *CJ* iv. lix. 1, 473, i. xxiii. 7, 477, i. xii. 8, ὁσάκις ἐξ ἔθους κατὰ τὰς μεγάλας ἐορτὰς ἐν τῇ ἀγνωστῇ μεγάλῃ ἐκκλησίᾳ ἢ καὶ ἐν ἄλλαις ἐκκλησίαις προίεμεν, ἐπιτρέπομεν τῷ ἐνδοξοτάτῳ ἡμῶν κομιστῶρι τὰς αἰτήσεις τῶν δεομένων δέχεσθαι τε καὶ εἰς ἡμᾶς φέρειν. It is not clear why Benivolus, the *magister memoriae*, instead of the quaestor, was directed to draft *CTh* xvi. i. 4, 386 (*Ruf. HE* ii. 16). On the judicial functions of the quaestor see pp. 505–6.

4. LEGAL WORK OF SCRINIA: *CTh* i. xvi. 3, 319, xi. xxx. 32, 365 (S), 34, 364, 54, 395, 65, 415. OTHER DUTIES: *Symm. Rel.* 24, per vices mensium singulorum ad perennitatis vestrae scrinia senatus et populi acta mittuntur, *CTh* vi. ii. 13, 383 (*professiones* of senators, cf. *Symm. Rel.* 46), vii. iv. 24, 398, xi. i. 13, 365 (arrears of *annona* from Africa), xiv. ix. 1, 370 (reports on students at Rome), xii. xii. 10, 385 (requests of provincial delegations), *CJ* xi. xliii. 11 (517) (permits for drawing domestic water supply from aqueducts). PROBATORIAE: *CTh* viii. vii. 21, 426 (officials of PPO, *procos.*, *com. Or.*, *praef. Aug.* and vicars), 22, 426 (officials of PU), 23, 426 (*thesaurense*), *CJ* i. xxxi. 5, 527 (*scholares*), xii. xx. 3 (457–70) (*agentes in rebus*), xii. lix. 9 (470) (*memoriales*, *agentes in rebus*, etc.), 10 (472) (Notitia showing distribution of all *probatoriae* between the three *scrinia*), xii. xxxv. 17 (472) (all soldiers), cf. also *Just. Nov.* xxv §1, xxvi §2, xxvii §1, 535 (officials of the *praetor Lycaoniae*, *praetor Thraciae* and *comes Isauriae*).

5. See ch. XVI, n. 23.

6. EARLIEST MAGISTRI OFFICIORUM: *CTh* xvi. x. 1, 320, de qua ad Heraclianum tribunum et magistrum officiorum scribseras, xi. ix. 1, 323, litterae missae ad Procleianum tribunum et magistrum officiorum, *Joh. Lydus, Mag.* ii. 25, *Epit. Caes.* xli, Zos. ii. 25 (Martinianus under Licinius); *Joh. Lydus, Mag.* ii. 25 (Palladius under Constantine from 324); *Ath. Apol. Const.* 3, *ILS* 1244 (Eugenius under Constans). DUTIES OF MAGISTER OFFICIORUM: *Not. Dig. Or.* xi, *Occ.* ix, *Joh. Lydus, Mag.* ii. 26, οὐ μόνον γὰρ τὰς τῶν ἐθνῶν πρεσβείας ὑφ' ἐαυτῷ τελοῦσας ὁ μάγιστρος ἔχει πιστεύεται, τὸν τε δημόσιον δρόμον καὶ πλῆθος ἐμβριθῆς τῶν πάλαι μὲν φρουρμεταρίων νῦν δὲ μαγιστριανῶν, τὴν τε τῶν ὀπλῶν κατασκευὴν καὶ ἐξουσίαν, ἀλλ' ἔτι καὶ τὴν τῶν πολιτικῶν πραγμάτων, *Priscus*, 7, πασῶν γὰρ τῶν βασιλέως

βουλῶν ὁ μάγιστρος κοινωνός, οἳα δὴ τῶν ἀγγελιαφόρων καὶ ἐρμηνέων καὶ στρατιωτῶν τῶν ἀμφὶ τὴν βασιλείαν φυλακὴν ὑπ' αὐτὸν ταττομένων, Cass. *Var.* vi. 6.

7. The administrative and disciplinary control of the *magister* over the various palatine *scholae* and *officia* is shown by the following laws, all addressed to him: Th. ii, *Nov.* xxi, 441, *CJ* i. xxxi. 5, 527, Cass. *Var.* vi. 6 §1, ipse insolentium scholarum mores procellosos moderationis suae prospero disserenat (*scholae palatinae*); *CTh* i. viii. 1, 415, 3, 424, vi. xxvi. 6, 396, 11, 397, 17, 416, *CJ* i. xxx. 3, 492, xii. xix. 7, 8 (444), 9 (457-70), 10 (470), 11 (492-7), 12, 14, 15 (527) (*sacra scrinia*); *CTh* vi. xxxiii. 1, 416 (*decani*); *CTh* vi. xxxiv. 1, 405 (*mensores*); Val. iii, *Nov.* xxx, 450 (*lampadarii*); *CTh* i. ix. 2, 386, 3, 405, vi. xxvii. 3, 380, 4, 382, 7, 395, 8, 9, 396, 11, 399, 14, 404, 15, 412, 17, 416 (S), 18, 416, 19, 417, 20, 426, 23, 430, xxviii. 8, 435, xxix. 6, 381, 8, 395, Val. iii, *Nov.* xxviii, 449, *CJ* xii. xx. 3, 5 (457-70), xxi. 6 (444) (*agentes in rebus*); *CTh* vii. xii. 2, 378 (S), xvi. iv. 4, 404, v. 29, 395, 42, 408, *CJ* xii. xxxiii. 5, 524 (palatine offices in general). From *CJ* xii. vii. 2 (474) and Just. *Nov.* x, 535, it appears that he had (in the fifth and sixth centuries at any rate) a similar control over the *notarii* and the *referendarii* who were drawn from them. His jurisdiction extended over a wider field (see ch. XIV, n. 46).

8. On the *cursus publicus* see below, n. 74. The great majority of the laws on *metata* are addressed to the *magister*; *CTh* vii. viii. 2, 368, 3, 384, 4, 393, 5, 398, 8, 405 (S), 14, 427, 15, 433 (S), 16, 435, xiii. iii. 15, 393, Th. ii, *Nov.* xxv, 444, *CJ* xii. xl. 9, 444, 10 (450-55), 11 (Zeno). AUDIENCES: Ath. *Apol. Const.* 3, Cass. *Var.* vi. 6 §2: per eum senator veniens nostris praesentatur obtutibus: ammonet trepidum, componit loquentem, sua quin etiam verba solet inserere, ut nos decenter omnia debeamus audire. aspectus regii haud irritus promissor, colloctionis nostrae gloriosus donator, aulici consistorii quasi quidam lucifer. RECEPTION OF EMBASSIES: Amm. xxvi. v. 7, Priscus, 26, Corippus, *Laud. Just.* iii. 231 ff., Cass. *Var.* vi. 6 §4: per eum exteris gentibus ad laudem rei publicae nostrae ordinatur humanitas et nolentes redeunt, quos maerentes exceperit; per eum quippe nobis legatorum quamvis festinantium praenuntiatur adventus, Const. Porph. *Cer.* i. 87-90 (Peter the patrician on the reception of envoys from a Western Augustus and a Persian king). The *magister* sometimes served as ambassador to negotiate treaties: Theophanes, A.M. 6022 (Hermogenes), Proc. *BP* i. ix. 24 (Celer), *BG* iv. xi. 2, Menander, 11 (Peter), Theoph. Sim. iii. 15 (Theodore). FABRICAE: Joh. Lydus, *Mag.* ii. 10, iii. 40. John is mistaken in thinking that the change was made after Rufinus' fall, for he already controlled the factories when *magister officiorum* in 390 (*CTh* x. xxii. 3). The praetorian prefect supplied the raw materials (*CTh* x. xxii. 2, *PPO Or.*, 388, cf. Joh. Lydus, *Mag.* iii. 5) and the rations of the workers (*Cass. Var.* vii. 19), but the *magister* henceforth ran the factories (*Not. Dig. Or.* xi. 18-39, *Occ.* ix. 16-39, *CTh* x. xxii. 4, *mag. off.*, 398, 5, *mag. off.*, 404, Th. ii, *Nov.* vi. 438, ut viri inlustris atque magnifici magistris officiorum suggestio nostrae clementiae patefecit, *CJ* xi. x. 6 and 7 (467-72), xii. xx. 5 (457-70), Just. *Nov.* lxxxv, 539). The *barbaricarii* were under the *comes sacrarum largitionum* in the West (*Not. Dig. Occ.* xi. 74-7), and in the East in 374 (*CTh* x. xxii. 1, *CSL*, 374) but later under the *magister* (*Not. Dig. Or.* xi. 45, *CJ* xii. xx. 5, *mag. off.* (457-70), in unoquoque scrinio fabricarum et barbar[icari]orum). LIMITANEI: Th. ii, *Nov.* xxiv, 443.

9. See pp. 412 ff.

10. Gallus Caesar is recorded to have had a praetorian prefect (Thalassius and Domitian, Amm. xiv. i. 10, vii. 9), a *magister equitum* (Amm. xiv. ii. 20), a

quaestor (Montius and Leontius, Amm. xiv. vii. 12, xi. 14) and a *comes domesticorum* (Lucilianus, Amm. xiv. xi. 14). Julian Caesar had a praetorian prefect (Florentius, Amm. xvi. xii. 14, etc.), a *magister equitum* (Marcellus, Severus, Lupicinus, Amm. xvi. vii. 1, x. 21, xviii. ii. 7), a quaestor (Nebridius, Amm. xx. ix. 5), a *magister officiorum* (Pentadius and Felix, Amm. xx. viii. 19, ix. 5), a *comes domesticorum* (Excubitor, Amm. xx. iv. 21) and a *praepositus sacri cubiculi* (Eutharius, Amm. xvi. vii. 2). For Ursulus see Amm. xxii. iii. 7, cum enim Caesar in partes mitteretur occiduas omni tenacitate stringendus, nullaue potestate militi quicquam donandi delata, ut pateret ad motus asperior exercitus, hic idem Ursulus datis litteris ad eum, qui Gallicanos tuebatur thesauros, quicquid posceret Caesar procul dubio iusserat dari.

11. See ch. XII, nn. 51-3, ch. IV, n. 30. I should perhaps take the opportunity of saying that I do not believe in the hypothesis, accepted by most scholars, that on occasion two prefects administered a zone in collegiate fashion. I emphasize the word hypothesis, for there is no hint of such an arrangement in any ancient author, or in the language of any law. The hypothesis has been invented to account for the fact that the dates in the Codes seem at times to show two prefects simultaneously in one zone. But the dates in the Code are notoriously unreliable and many have to be corrected to produce any semblance of order; I would prefer to correct more and have thus eliminated one collegiate prefecture ('The career of Flavius Philippus', *Historia* iv (1955), 229-33). It must also be remembered that before 395 at any rate the zones of the prefects were not rigidly fixed and for instance one of a pair of prefects may have governed Africa with Italy and the other Illyricum, or one Illyricum with Italy and the other Africa. We also do not allow for the fact that at times of faction and crisis prefects might be appointed, dismissed and reappointed with great rapidity. The only good evidence for a double prefecture is the curious duplication of posts in the praetorian prefecture of the East (see ch. XVI, n. 61). This may have arisen from the amalgamation of two *officia*; I would conjecture that late in Constantine's reign there may have been a praetorian prefect attached to Constantine himself and another to Constantius Caesar, and that on Constantine's death their *officia* were combined.

12. For the prefecture of Italy and Gaul under Odoacer and Theoderic see ch. VIII, n. 38. PREFECTURE OF AFRICA: *CJ* I. xxvii. 1, 534. QUAESTURA EXERCITUS: Just. *Nov.* xli, 536.

13. Praetorian prefects who held military commands are Asclepiodotus under Constantius Caesar (Aur. Victor, *Caes.* xxxix. 42, Eutrop. ix. 22), Anullinus under Severus (Zos. ii. 10), Rufius Volusianus and Pompeianus under Maxentius (Aur. Victor, *Caes.* xl. 18, Zos. ii. 14, Pan. Lat. xii. 8). The inappellability of the prefect was confirmed by Constantine in 331 (*CTh* xi. xxx. 16), but was probably older (see ch. II, n. 1).

14. MAGISTRI MILITUM: Zos. ii. 33, Joh. Lydus, *Mag.* ii. 10, iii. 40. On the financial and judicial functions of the prefects see pp. 448 ff., 479 ff. All the laws about recruiting in *CTh* vii. xiii (*de tironibus*) are addressed to the prefects (or vicars, etc.) except 2, 12, 14 (CRP, on tenants of imperial lands), 15 (PU, on a *collatio iuniorum* from *honorati*), 18 (*mag. mil.*, on exemption of military officers from a *collatio iuniorum*), 19 (CSL, on recruits in the *scholae*; was the CSL acting *mag. off.*?) and 20 (CRP, on *aurum tironicum*; was the CRP acting CSL?). All the laws on military supply in *CTh* vii. iv. (*de erogatione militaris annonae*) are likewise addressed to the prefects (or vicars, etc.) except 10 (PU, on *prorectores* at Rome), 12, 18 (*mag. mil.*, on abuses committed by soldiers) and 34



and 36 (*mag. mil.*, on commutation of officers' rations). See also Zos. II. 32-3, Amm. XIV. VII. 11, 'proficiscere', inquit (sc. Domitianus, Gallus' praetorian prefect), 'ut praeceptum est, Caesar, sciens quod si cessaveris, et tuas et palatii tui auferri iubebo prope diem annonas', Cass. *Var.* VI. 3, quando palatium sua provisione sustentat, servientibus nobis procurat annonas, Amm. XIV. X. 4, unde Rufinus ea tempestate praefectus praetorio ad discrimen trusus est ultimum. ire enim ipse compellebatur ad militem, quem exagitabat inopia simul et feritas, et alioqui coalito more in ordinarias dignitates asperum semper et saevum, ut satisfaceret atque monstraret, quam ob causam annonae convectio sit impedita, XX. IV. 6, (Julian) redire ad se praefectum hortatus est, olim Viennam specie annonae parandae digressum. All laws on the post in *CTh* VIII. V (*de cursu publico*) are addressed to the prefects (or vicars, etc.) except 19, 22, 32, 55 (*PU*), 49 (*mag. off.*), 56 (*mag. mil.*), 57 (*dux*); also in the corresponding title in *CJ* XII. 1. In the Ostrogothic kingdom the *magister officiorum* took over the administration of the post; Cass. *Var.* VI. 6 §3, veredorum quin etiam opportunam velocitatem, quorum status semper in cursu est, diligentiae suae districtione custodit, ut sollicitudines nostras, quas consilio iuvat, beneficio celeritatis expediat, V. 5 §4, quam summam protinus exactam, sicut iam anterioribus edictis constitutum est, per officium magisteriae dignitatis cursui proficere debere censemus. In the titles *de operibus publicis* (*CTh* XV. 1, *CJ* VIII. XI) and *de itinere muniendo* (*CTh* XV. III) all the laws are addressed to the praetorian prefects except those referring to the capitals, which go to the prefects of the city, and *CTh* XV. I. 13 (*dux*, on frontier fortifications) and 32 (*CSL*, on use of civic revenues): there was a *scrinia operum* in the praetorian prefectures of Illyricum (*Not. Dig. Or.* III. 26, *CJ* XII. XLIX. 12), Oriens (Joh. Lydus, *Mag.* III. 5) and Africa (*CJ* I. XXVII. 1 §36), cf. also Just. *Nov.* CXXVIII §18, 545, τοὺς σημερινάρχους τῶν ἔργων τοὺς ὑπὸ τοὺς ἐπάρχους τῶν ἱερῶν πραιτωρίων τελούντας.

15. For the appointment of governors see below, n. 52. JURISDICTION OVER GOVERNORS: *CTh* I. V. 9, 389, si quos iudices corpore marcentes et neglegentes desidiae somniis oscitantes, si quos servilis furti aviditate degeneres vel similium vitiorum labe sublimitas tua reppererit involutos, in eos vindictam publicae ultionis exaggeret et amotis vicarios subroget, ut ad nostrae mansuetudinis scientiam non crimina sed vindicta referatur (for the appointment of acting governors cf. *CJ* I. 1. 2, 427, eos qui praeceptione principali seu vestrae sedis amplissimae tueri locum rectorum provinciarum noscuntur), *CTh* I. V. 10+VII. 2, 393, de ordinario iudice semper inlustris est cognitio praefecturae, licet militari viro ab eo facta fuerit iniuria, Cass. *Var.* VI. 3, delicta provinciarum iudicum punit. CIRCULARIZATION OF LAWS: *Sirm.* 4, 9, 11, 12, 16, Th. II, *Nov.* III, Val. III, *Nov.* XXIII, XXVI, Marc. *Nov.* II, III. For the range of the praetorian prefect's responsibilities see the list of his *suggestiones* in ch. XI, n. 67.

16. On the *magistri militum* and *comites rei militaris* see ch. III, n. 42, ch. IV, n. 25-6. COMITES DOMESTICORUM: *Not. Dig. Or.* XV, *Occ.* XIII. Diocletian is said to have commanded the *domestici* before his accession (Aur. Victor, *Caes.* XXXIX. 1). The earliest *comites* known are Latinus under Constantius (Amm. XIV. X. 8) and Lucilianus under Gallus Caesar (Amm. XIV. XI. 14), both in 354. The earliest known *comes domesticorum equitum* is Athaulf, appointed by Attalus in 409 (Soz. IX. 8), but the distinction between the two *comites* is very rarely made in inscriptions, laws or authors (only in *ILS* 1305, *CJ* II. VII. 25, XII. XVII. 3 and the *Notitia*), and the change may have been made earlier. PROMOTION OF COMITES DOMESTICORUM: Barbatio (Amm. XIV. XI. 19 and XVI. XI. 2), Dagalaifus (Amm. XXI. VIII. 1 and XXVI. V. 9), Richomer (Amm. XXXI. VII. 4 and *CTh* VII. I. 13), Stilicho (*ILS* 1277-8), Allobich (Zos. V. 47-8),

Castinus (Greg. Tur. *HF* II. 9, *Chron. Min.* I. 470, II. 20), Boniface (Aug. *Ep.* 220 §7, *Chron. Min.* I. 473), Aetius (Greg. Tur. II. 8), Zeno (*V. Dan.* 55, 65), Philoxenus (*ILS* 1308), cf. *CTh* xv. xi. 1, Mauriano com. dom. et vices agenti mag. mil. 414. TRIBUNI SCHOLARUM: *CTh* VI. xiii. 1, 413, praepositos ac tribunos scholarum, qui et divinis epulis adhibentur et adorandi principis facultatem antiquitus meruerunt, inter quos tribunus etiam sacri stabuli et cura palatii numerantur, si primi ordinis comitivam cum praepositura meruerint et casu ad altiora non pervenerint, deposito sacramento inter eos qui comites Aegypti vel Ponticae dioeceseos fuerint, quorum par dignitas est, haberi praecipimus. sin absque honore comitivae cuiuslibet scholae regimen fuerint nacti, absolutos militia inter eos qui duces fuerint provinciarum numerari iubemus. PROMOTION OF TRIBUNI SCHOLARUM: Silvanus (Amm. xv. v. 2 and 33), Agilo (Amm. xx. ii. 5), Gomoarius (Amm. xxi. viii. 1 and xx. ix. 5), Equitius (Amm. xxvi. i. 4 and v. 3 and 11), Arinthaëus (Amm. xv. iv. 10 and xxvii. v. 4), Malarich (Amm. xv. v. 6 and xxv. viii. 11, x. 6). CURA PALATII: *CTh* XI. xviii. 1, 412 (S), VI. xiii. 1 (cited above), Cass. *Var.* VII. 5, Const. Porph. *Cer.* I. 84. Known holders of the office are Apollinaris under Gallus Caesar (Amm. xiv. vii. 19), Saturninus under Constantius II (Amm. xxii. iii. 7), Rumitalca under Procopius (Amm. xxvi. viii. 1), Equitius under Valens (Amm. xxxi. xii. 15), Aetius under John (Greg. Tur. *HF* II. 8), Consentius under Avitus (Sid. Ap. *Carm.* xxiii. 430-1), the future emperor Justin II (Evagr. v. 1) and Baduarius under Justin II (Corippus, *Laud. Just.* II. 285). This office is not to be confused with the much inferior *curae palatiorum* on the staff of the *castrensis* (*Not. Dig. Or.* xvii. 5, *Occ.* xv. 6). TRIBUNUS STABULI: *CTh* XI. xviii. 1, 412 (S), VI. xiii. 1 (cited above): for the *stratores* and their duties see ch. XVII, n. 37. Known holders of the office are Agilo under Constantius II (Amm. xiv. x. 8), Sintula under Julian Caesar (Amm. xx. iv. 3), the future emperor Valens under his brother (Amm. xxvi. iv. 2), Constantianus and Cerealis under Valentinian I (Amm. xxviii. ii. 10, xxx. v. 19), Valerianus under Valens (Amm. xxxi. xiii. 18), Stilicho (*ILS* 1278), Aetius under Marcian (*A.C.Oec.* II. i. 334), Areobindus (*ILS* 1303), Jordanes (*V. Dan.* 49), Constantianus (Proc. *BG* I. vii. 26) and Belisarius (Proc. *HA* iv. 39).

17. See the table of provinces and dioceses in App. III. Under Diocletian there survived only the proconsuls of Africa and Asia; Constantine added Achaëa and apparently Europe (abolished by Constantius II); in the 380s there were for a brief period proconsuls of Campania, a Spanish province and Palestine: see *JRS* XLIV (1954), 27-9. Justinian abolished the proconsulate of Africa (*CJ* I. xxvii. 1 §12) but created proconsuls of Cappadocia, Armenia I and Palestine I (Just. *Nov.* xxx, xxxi §1, ciii). Under Diocletian there were *correctores* of the Italian provinces, Sicily and Achaëa, but most of these were later upgraded to *consulares* (Achaëa to proconsul): see *JRS* as above. In the *Notitia* there are only three *correctores* in the West (*Not. Dig. Occ.* i. 78-83, xix. 7-9, xlv), and two in the East (*Not. Dig. Or.* i. 126-8), both of recent creation (see App. II): from *CTh* XII. i. 133 it appears that in 393 Tripolitania had a *corrector* temporarily (cf. *CTh* XI. xxx. 59 and *Not. Dig. Occ.* i. 100, xx. 13). For *praesides* and *consulares* see *JRS* XLIV (1954), 24 ff. PRAETORS: Just. *Nov.* xxiv (Pisidia), xxv (Lycaonia), xxvi (Thrace), xxix (Paphlagonia), civ (Sicily). MODERATORS: Just. *Nov.* xxviii (Helenopontus), cii (Arabia), *Ed.* iv (Phoenice Libanensis). COMITES: Just. *Nov.* viii §2, (Phrygia Pacatiana), §3 (Galatia I), xxxi §1 (Armenia III). PRAEFECTUS AEGYPTI: *CTh* XVI. ii. 11, 342, (S), xv. i. 8+9 (362); thereafter *praefectus Augustalis* (*JTS* 1954, 224-7). On the institution of *duces* see ch. II, n. 11. In the *Notitia* military and civil government is

united in Isauria and Arabia (*Not. Dig. Or.* xxix, xxxvii) and in Mauretania Caesariensis (*Not. Dig. Occ.* xxx). In Isauria the union seems to have been permanent, though it was only Justinian who formally amalgamated the offices of *comes* and *praeses* (*Just. Nov.* xxvii). In Arabia it was temporary; the province had a separate *praeses* under Justinian (*Just. Nov.* viii, notitia 39, cii). Other temporary unions are Tripolitania, *IRT* 565, Fl. Nepotiano v.p. com. et praesidi provinc. Trip. . . . rei etiam militaris peritissimo . . . quod barbarorum insolentiam exercito scientiae militaris adtriberit, quod limitis defensionem tuitionemque perpetuam futuris etiam temporibus munitam securamque ab omni hostili incursione praestiterit, *CTh* xii. i. 133, duci et correctori limitis Tripolitani, 393) and Egypt (*CJ* ii. vii. 13, duci Aegyptiaci limitis et praefecto Augustali, 468, i. lvii. 1, duci et praefecto Augustali, 469, Priscus, 22, Evagr. ii. 5, iii. 22) and the Upper Thebaid (Hierocles, 731). For Justinian's changes see ch. IX, n. 27-9.

18. On the dioceses see ch. II, n. 16, 17 (Diocletian), ch. III, n. 66 (Macedonia), ch. V, n. 9 (Egypt); also the table of provinces and dioceses in App. III. The two dioceses of Macedonia and Dacia are under the disposition of the praetorian prefect of Illyricum (*Not. Dig. Or.* iii. 4-6) but there is only a vicar of Macedonia (*ibid.* i. 34; his chapter is missing). Under the praetorian prefect of Italy there are the three dioceses of Italia, Illyricum and Africa (*Not. Dig. Occ.* ii. 5-8) but there are only vicars of Urbs Roma, Italia and Africa (*ibid.* i. 23-6, xix, xx, but no chapter for the vicar of Italia). Under the praetorian prefect of the Gauls only three dioceses, Hispaniae, Septem Provinciae and Britanniae are shown (*Not. Dig. Occ.* iii. 1-4) and all the provinces of Gaul are enumerated under Septem Provinciae (*ibid.* iii. 14-31, xxii). That in Julian's day as Caesar there was no *vicarius* of the diocese of Gaul is shown by Amm. xvii. iii. 6, inusitato exemplo id petendo Caesar inpetraverat a praefecto ut secundae Belgicae multiformibus malis oppressae dispositio sibi committeretur ea videlicet lege, ut nec praefectianus nec praesidalis apparitor ad solvendum quemquam urgeret. There were no *vicariani* who might have intervened.

19. See ch. IX, nn. 27-8, 60.

20. On the financial and judicial duties of a provincial governor see pp. 414, 434, 450, 479. Laws are often addressed to provincial governors on the post (*CJ* i. xl. 4, 335, *CTh* viii. v. 24, 365, 25, 365, 27, 365, 29, 368) and on public works (*CTh* xv. i. 8+9, 362, 17, 365) and their activity in this sphere is frequently mentioned (*CTh* xv. i. 2, 3, 14-6, 18, 20-1, 31, 34-5, 37, iii. 6); cf. also Symm. *Ep.* ii. 27: videlicet ut sub actorum confectione vel tuorum, ni adhuc retines potestatem, vel vicariae praefecturae, quae tibi poscenti aequa non deerit, diligentiae tuae ratio digeratur, quae possit ostendere, quot numero animalia conlocaris, et quo apparatu instruxeris mansiones, et quantum in titulis fiscalibus exigendis tua cura promoverit. A full description of a governor's duties is given in *Just. Nov.* xvii, and in abbreviated form in the Novels establishing the praetorship of Pisidia, etc. (see above n. 17).

21. On the judicial duties of vicars see p. 481; on their general powers of supervision, *CTh* i. xiv. 2, 395, praefectus Augustalis ordinariorum sub se iudicum examinandi flagitia ac super his referendi, non amovendi vel puniendi habeat potestatem; on their financial duties, *CTh* i. xiv. 1, praef. Aug. 386, per Thebaidem atque Augustamnicae provincias officium tuum et officia iudicum competentium omnia tributa exigere suscipere postremo compellere iubemus, xv. 6, 372, 15, 400, virum spectabilem vicarium septem provinciarum reliqua praeteriti temporis exigere iubemus, recentia vero debita

ordinarios iudices maturare decernimus, quibus tamen vicarium convenit imminere, 17, 401. Other laws allot special financial duties, e.g. the *patri-moniales fundi* to the *comes Orientis* (CTb i. xiii. 1, 394), the *largitionales tituli* and the *vectigalia* of Carthage to the vicar of Africa (CTb i. xv. 9, 378, 10, 379).

22. Asia does not appear in the lists of provinces under the disposition of the praetorian prefect of the East or the vicar of Asiana (*Not. Dig. Or.* ii, xxiv), nor Africa under the praetorian prefect of Italy or the vicar of Africa (*Not. Dig. Occ.* ii, xx); cf. Eunap. *V. Soph.* vii. 5. Constitutions circularized: CTb i. xv. 12, omnibus vicariis, 386, viii. i. 12, omnibus rectoribus provinciarum, 382, xi. vi. 1, ad proconsules, vicarios omnesque rectores, 382, Maj. Nov. iii, universis rectoribus provinciarum, 458: CTb vi. xxxi. 1, vii. xx. 1, xii. i. 71, are clearly copies of such circulars. Just. Nov. xxxii and xxxiv are two copies, addressed in 535 to the governors of Haemimontus and Moesia II, of a law 'quam primo quidem in Thraciam et totas eius provincias, in praesenti autem in Illyricianas patrias direximus' (Just. Nov. xxxiii, PPO *Illyr.*, 535). Apart from answers to judicial *relationes* the following laws addressed to provincial governors contain local allusions: CJ vii. xvi. 41 (316), CTb viii. iv. 11, 365, ix. xxvii. 3, 382, xxx. 4, 365, xii. i. 61, 364, Just. Nov. xxi, 536, lxv, 538. JULIAN'S LAW: CTb xii. i. 55, 363.

23. On the administration of the capitals see ch. XVIII, Symm. *Rel.* 17, CTb i. vi. 7, 376. Constitutions addressed to *praefecti annonae*, *praefecti vigilum* and *consulares aquarum* are listed in Mommsen's edition of CTb, pp. ccii, cciii.

24. *Duces* are not said to be under the disposition of the *magistri militum* in *Not. Dig. Or.* vii, viii, ix, but were in fact under their control, as appears from CTb vii. xvii. 1, mag. mil. Thrac. 412, Th. ii, Nov. iv, 438, xxiv §1-3, 443, CJ xii. lix. 8 (467-70), illustribus scilicet ac magnificis viris magistris militum consuetudine ac potestate, si qua ad limites aliquos Orientis Thraciarum et Illyrici ex longo tempore hactenus optinuit, reservata. In 483 Illus as *magister militum per Orientem* was given the exceptional privilege of appointing *duces* (Theophanes, A.M. 5972). In the fourth century frontier posts were built on the orders of the *magistri militum*; ILS 762 (cf. *AE* 1941, 12), disponente Equitio v.c. comite mag. equitum peditumque, curante Augustiano v.c. comite ord. pr. et duce Val. limitis, and ILS 773-5. JUSTINIAN'S CHANGES: CJ i. xxix. 5, Proc. *Aed.* iii. i. 16 (Armenia), Proc. *BV* ii. xxii. 1, 4, xxviii. 43-5, ILS 831 (Africa), ILS 835 (Spain); in Italy Justinian does not seem to have formally established a *magisterium*, but Narses was left as commander in chief when the conquest had been completed. The western hierarchy is set out in *Not. Dig. Occ.* v. 125-143; the *magister equitum per Gallias* receives his *principes* and *numerarii* from the *officia* of the *praesentales* (ibid. vii. 112, 118) like the *comites* and *duces*.

25. For the diocesan *rationales*, etc., see pp. 412-14, 428-9. Their waning importance is indicated by the fact that nineteen constitutions are addressed to them down to 357 and none thereafter (CJ iii. xxvi. 7, x. x. 1, CTb ii. xxv. 1, v. xiii. 2, ix. iii. 1, x. i. 2, 7, viii. 1, 2, 4, x. 5, xi. 1, xviii. 1, xix. 1, xi. vii. 5, xxx. 14, xii. i. 30, vi. 2, vii. 1). They are not mentioned in the codes after 400 except in CTb xi. xxx. 68, 429 and Val. iii, Nov. vii. 2, 442.

26. CONSTITUTIONS ADDRESSED TO COMITES REI MILITARIS: CTb vi. xxviii. 8, vii. i. 4, viii. vii. 13, ix. xlii. 18, xi. xxiv. 3, xvi. v. 56, x. 11; those addressed to *duces* are listed in Mommsen's edition of CTb, p. cci; those addressed to *rationales* (*summarum*) and *magistri rei privatae* on pp. ccii, cciii.

27. *CTh* I. vii. 2, Addaeo com. et magistro utriusque militiae, 393, corrector quidem provinciae Augustamnicae ob inlatam duci contumeliam ut cum officio suo condemnaretur meruit, a sede autem sublimitatis tuae usurpari iudicii pars ista non debuit, quia semper de ordinario iudice illustris est cognitio praefecturae. DIONYSIUS AND THE GOVERNOR OF CYPRUS: *A.C.Oec.* I. i. pars vii. 119-20.

28. For *probatoria* see above n. 4 and for *militia* in the civil service and the army see ch. XVI and XVII. CODICILLI: *CTh* VI. vii. 1, 372 (for praetorian and urban prefects and *magistri militum*), IX. xxvii. 1, 380 (for *iudices*), XIII. xi. 11, 406 (for *peraequatores* and *discussores*), XV. xiv. 8, 389 (for *dignitates* in general), *CJ* I. xxvii. 1 §§18-19, 534 (for provincial governors), I. xlix. 1 §2, 479 (for provincial governors, vicars, etc., *comites rei militaris* and *duces*), Just. *Nov.* xvii pr. 535, placuit etiam omnibus iudicibus nostris qui minores vel medias administrationes gerunt, sive inter correctores sive inter consulares sive inter spectabiles ordinentur, non solum codicillos praestare sed etiam mandata dare, Const. Porph. *Cer.* I. 84, καὶ ἐπιδίδωσιν αὐτῶν ὁ βασιλεὺς τὰ κωδικέλλια τοῦ κόμητος τῶν ἀδμηνσιόνων, 85, τὰ μάνδατα δίδεται τῇ πρὸ μιᾶς σιλεντίου καὶ τὸν ἀγρουστάλιον Ἀλεξανδρείας ἔπανσεν, καὶ μετὰ τὸ γενέσθαι πάντα τὰ ἐξ ἔθους δίδωσιν αὐτῶν κωδικέλλια. *Codicilli* were also used to convey equestrian or senatorial rank and honorary offices, see ch. XV, nn. 18, 20. That they were issued through the *primicerius notariorum* appears from Just. *Nov.* viii, notitia, where the main fees go to him and his *adiutor*. *Epistula* is sometimes used as a mere literary variant for *codicillus*, e.g. *CTh* VI. xxii. 5, 381, omnes qui extra palatium constituti codicillis proconsularibus vel epistulis vicariorum vel insignibus consularium emendicatis atque adsimulatiis vestiuntur, 7 §1, 383, seu epistolas ex vicariis sive ex proconsulibus seu . . . ex praefectis meruerint codicillos, xv. xiv. 8, 389, omnes qui tyranni usurpatione proventi cuiuslibet acceperunt nomen inlicitum dignitatis, codicillos adque epistolas et promere iubemus et reddere. *Epistula* is more normally—and perhaps correctly—used for inferior posts, e.g. *CJ* II. vii. 23 §2, 509, eos clarissimorum notariorum inseri consortio tribunorum, sacras solitas epistulas sine quadam suffragii solutione percepturos, 25 §1, 519, sacras insuper epistulas quibus adprobantur viri clarissimi tribuni praetoriani et notarii, Paul. *V. Amb.* 43, faceretque falsas epistulas tribunatus, *CTh* VIII. v. 23, 365, codicillis comitivae et praesidatus aut rationum epistulis (but this may be literary variation only). *Epistulae* were also used for appointments to civic posts (see ch. XIX, nn. 30, 35) and issued to veterans, both officers and other ranks; *CTh* VII. xxi. 1, si qui ex protectoribus vel ex praepositis vel ex tribunis epistulas reportaverint, VIII. vii. 2, 3, ex protectoribus epistulas, VII. xx. 4 §1, 325, post emeritae missionis epistulas, VIII. vi. 1, 365, nemini ex his qui ex castrensibus muniis absoluti ad domum redeunt post labores tractoria praebeatur a sacro separata iudicio, sed unusquisque in epistulis nostris quibus ad aevi reliqui testimonium singulos sequimur viaticum conficiendi itineris consequatur.

29. The word *dignitas* is sometimes used of *protectores* and *domestici*, e.g. *CTh* VII. xxi. 2 (326-54), ad honores protectoriae dignitatis, 3, 396, quicumque ex protectoribus aut domesticis honorarias missiones meruerint, sub hac norma penes eos dignitas maneat, and Julian appointed Leontius a *domesticus* by *epistula* (Julian, *Ep.* 22, εὐπρέφαντες ὄν σοι τὴν τῶν ὅλων χρῆσιν ἀπεστείλαμέν τε πανοπλίαν, ἥ τέως τοῖς πεζοῖς ἀρμόνται . . . ἐγκατελέξαμέν τέ σε τῷ τῶν οἰκείων συντάγματι). But the service is more often called *militia* (*CTh* VI. xxiv. 5, 392, 6, 395, 7, 414, 9, 416) and this was apparently strictly correct; Justinian insisted on the issue of a *probatoria* to those who adored the sacred purple

(Const. Porph. *Cer.* i. 86, *δομειστικοὶ δὲ καὶ προτίκτορες οὕτως· πάλαι μὲν ἀπὸ προσκνήσεως μόνης ἦν ἡ στρατεία αὐτῶν, νῦν δὲ προβατωρεῖαν ποιεῖ ὁ δεσπότης*). For the notaries see pp. 572-5

30. See ch. V, nn. 13-4, XV, n. 12.

31. For the provinces see App. III. For posts under the *comites largitionum* and *rei privatae* and *praefectus urbi* see *Not. Dig. Occ.* xi, xii, iv. For numbers of regiments see App. II, Table XV.

32. *Chron. Min.* i. 66-9. There is a list of the prefects of the city of Rome from 312 to 458 in Seeck, *Reg.* 475-6, and in Sundwall, *Weströmische Studien*, 24-6, a fuller list from 395 to 476. There is now a more complete list in A. Chastagnol, *Les fastes de la Préfecture de Rome au Bas-Empire*, Paris, 1962. He shows 129 appointments in 133 years (290-423) and a normal tenure of under one year.

33. The latest list of praetorian prefects is that of Ensslin in *PW* xxii A, 2495-2501 (based on previous lists there cited). The praetorian prefects of the East known from the Codes and Novels are listed in Seeck, *Reg.* 475; the three additional ex-prefects of 451 are Eugarus, Parnasius and Constantinus (*A.C.Oec.* ii. i. 334-5). Another example of the incompleteness of our information is Florentius, who is recorded on 13 April 449 as *ὁ μεγαλοπρεπέστατος ἀπὸ ἐπαρχῶν πόλεως καὶ ἀπὸ ἐπαρχῶν πραιτωρίων τὸ ἕκτον* (*A.C.Oec.* ii. i. 149, 176). He is known to have been *PU Const.* in 422 (*CTh* vi. viii. 1), *PPO Or.* 21 April 428 to 27 March 429 (*CTh* xv. viii. 2, *CJ* i. xix. 8), and again from 31 January 438 to 26 November 439 (*Th.* ii, *Nov.* iii, *CJ* ix. xxvii. 6), and again on 11 February 445 (*CJ* i. iii. 22); this date was rejected by Seeck as being between Hermocrates on 29 November 444 (*Th.* ii, *Nov.* xxvi) and Taurus 17 February 445 (*CJ* i. ii. 11 and x. xlix. 2), but probably records a brief term of office. We are still left with two prefectures unaccounted for.

34. Ensslin has compiled a list of *magistri militum* down to 395 and of the Western *magistri* to 476 in *Klio* xxiv (1931), 102-47, 467-502; for Areobindus and Aspar see ch. VI, n. 17. A. E. R. Boak gives a list of *magistri officiorum* in *The Master of the Offices in the later Roman and Byzantine Empires* (*Univ. of Michigan Studies, Humanistic Series*, xiv, 1924), 148-51.

35. The list of proconsuls in A. C. Pallu de Lessert, *Fastes des provinces Africaines*, Paris, 1896, is nearly complete: add Iuniorinus Polemius (*AE* 1949, 28), Flavius Rhodinus Primus (*CIL* viii. 1873 + 14279, 24044) and Rufius Volusianus (*Rut. Nam. de red. suo* i. 167-73). There is a short complete run of *praefecti Augustales* between 379 and 393 in Cantarelli, *La serie dei prefetti di Egitto*, 39-40 (nos. 125-140), showing an average tenure of under a year. The *duces* of Egypt are Valacius in 339-40 (*Ath. Hist. Ar.* 12) and 344 (*Chr.* i. 464), Felicissimus in 346 (*Chr.* i. 179) and 350 (*Ath. Hist. Ar.* 51, *Apol. Const.* 10), Syrianus in 356 (*Ath. Hist. Ar.* 81, *Apol. Const.* 22, 24, *Apol. de Fuga*, 24), Sebastianus in 358 (*Ath. Hist. Ar.* 59, 72, *Apol. de Fuga*, 6, F. Larsow, *Die Festbriefe des Heiligen Athanasius*, 37), Artemius in 360 (Larsow, *op. cit.* 37), Theophilus in 362 (*Julian, Ep.* 50), Victorinus in 364 and 366 (*CTh* xii. xii. 5, Larsow, *op. cit.*, 42) Trajanus in 367-8 (Larsow, *op. cit.*, 44-5).

36. Larsow, *op. cit.*, 26-46, E. Schwartz, *Ges. Schr.* iii. 15-26, L. Cantarelli, *La serie dei prefetti di Egitto*, 23-36 (nos. 99-124).

37. Great nobles include Anicius Paulinus (*ILS* 1220-1, *pc. As.*, *PU*), Anicius Auchenius Bassus (*ILS* 1262, *pc. Camp.*, *PU*), and Petronius Probus (*ILS* 1265 ff., *pc. Afr.*, *PPO*); cf. Avianius Symmachus (*ILS* 1257, *pf. annonae, vic. U.R.*,

PU) and in the fifth century Auxentius Draucus (*ILS* 1284, *vic. U.R.*, PU) and Rufius Volusianus, who 'primaevus meruit principis ore loqui, rexerat ante puer populos pro consule Poenos' (Rut. Nam. *de red. suo*, I. 172-3), that is, was proconsul of Africa as a boy and quaestor as a youth. More normal careers (omitting minor offices in Rome) are *ILS* 1231 (*corr. Ven.*, *com. Or.*, PPO, later PU), 1237 (*cons. Num.*, *com. Or.*, PPO), 1243 (*cons. Sic.*, *pc. Afr.*, PU), 8985 (*cons. Camp.*, *pc. As.*, PU). Rather longer are *ILS* 1224 (*cons. Camp.*, *com. Or.*, *pc. Afr.*, later PU), 1227 (*corr. Flam.*, *cons. Sic.*, *pc. Afr.*, PU), 1228 (*corr. Flam.*, *cons. Bith.*, *pc. Afr.*), 1258 (*corr. Tusc.*, *cons. Lus.*, *pc. Ach.*, PU, PPO). Even longer are *ILS* 1240 (*pr. Byz.*, *cons. Eur.*, *cons. Sic.*, *pc. Afr.*, PU) and 1256 (*corr. Tusc.*, *cons. Camp.*, *vic. U.R.*, *pc. Afr.*), *AE* 1955, 150 (*corr. Flam.*, *corr. Venet.*, *cons. Belg.* 1, *vic. Hisp.*, *procos. Afr.*), *ILA* 456 (post correcturas et consularem dignitatem Achaiae Asiae iterum et Africae IIII *procos.*) MAXIMINUS: *Amm.* xxviii. i. 5, 6, 41. TATIAN: *ILS* 8844, cf. *JTS* v (1954), 224-7; he is last recorded as *CSL* in 377 and first recorded as praetorian prefect in 388 (*CTh* viii. vii. 14, xvi. iv. 2). A very long career of a new man is *ILS* 1214 (Caelius Saturninus).

38. PETRONIUS MAXIMUS: *ILS* 809, qui primaevus in consistorio sacro tribunus et notarius meruit nono decimo aetatis anno, sacrarum remunerationum per triennium comes, post praef. urbis anno et sex mensibus, hasque omnes dignitates intra vicesimum quintum adsecutus aetatis annum. ANICIUS ACILIUS GLABRIO FAUSTUS: *ILS* 1283, quaestori candidato, praetori tutelari, comiti intra consistorium, tertio praefecto urbi utriusque imperii iudicii sublimitato, praefecto praetorio Italiae Africae et Inlyrici. RUFIUS PRAETEXTATUS POSTUMIANUS: *ILS* 1285, quaestor candidatus, praetor urbanus, tribunus et notarius praetorianus, praefectus urbi secundo, consul ordinarius. JUNIUS QUARTUS PALLADIUS: *AE* 1928, 80, not. et tri. com. sacrar. larg. praef. praetorii per annos sex Illyrici Italiae et Africae, consuli ordinario; he has been identified with the Palladius who was proconsul of Africa in 410 (*CTh* vi. xxviii. 7, ix. xxxviii. 12), but this must be wrong as the inscription would not omit so honourable an office. ANTHEMIUS: *Joh. Lydus, Mag.* iii. 50. MARINUS AND JOHN: *Joh. Lydus, Mag.* iii. 36, 46, 57. AGILO: *Amm.* xx. ii. 5, Agilone ad eius locum immodico saltu promotus ex Gentilium et Scutatorum tribuno. According to *Sid. Ap. Carm.* ii. 75 ff. the noble Procopius, after serving as envoy to Persia as a youth, was straightway appointed *magister militum per Orientem*, while his son Anthemius was appointed *comes rei militaris* on the Danube as soon as he had finished his literary education, and soon after *magister militum* (*ibid.* 193 ff.): cf. also *Proc. BV* ii. xxiv. 1, ἐν τούτοις δὲ βασιλεὺς ἄλλον ἐς Λιβύην στρατηγὸν Ἀρεόβινδον ἐν στρατιώταις ὄλγους τισὶν ἐπεμψεν, ἄνδρα ἐκ βουλῆς μὲν καὶ εὖ γεγονότα, ἔργων δὲ πολεμίων οὐδαμῶς ἔμπειρον. It was also usual for emperors to appoint their relatives as *magistri militum*, e.g. Leo and his brother-in-law Basiliscus, Anastasius and his nephews Pompeius and Hypatius, Justin and his nephews Germanus and Justinian, Justinian and his nephews Marcianus and Marcellus and his cousin Germanus with his two sons, Justin and Justinian (see Stein, *Bas-Empire*, indices, under these names).

39. Of twenty-two *duces* mentioned by Ammianus only three are heard of again, Sebastianus who rose to *comes* under Julian and *magister* under Valens (*Amm.* xxiii. iii. 5, xxxi. xi. 1, xiii. 18), Serenianus, who was already *ex duce* in 353 (xiv. vii. 7) and was made *comes domesticorum* by Valens in 364 (xxvi. v. 3), and the future emperor Theodosius (xxix. vi. 15). Nearly all *duces* mentioned in the Codes and in inscriptions are otherwise unknown. The same applies to the vast majority of provincial governors.

40. Symm. *Rel.* 17, melius urbi vestrae in posterum consuletis si legatis invitos, Marc. *Nov.* i pr., 450, sciens quippe felicem fore rem publicam si a nolentibus et actus publicos repulsantibus regeretur.

41. Lib. *Ep.* 959, μὴν εὐρίσκει καταφυγὴν ζώνην τε καὶ τὸ ἄρξαι καὶ δακρύων ἄμα δεῖται μου θαρρῆσαι πέμψαι πρὸς σέ τὴν τοῦτο ποιήσουσαν ἐπιστολήν· πάντως δὲ αὐτὸν ἀγαπήσειν ἅπαν τὸ διδόμενον, ἅπαν γὰρ ἔξεν τὴν αὐτὴν ἀσφάλειαν, ὥσπερ αὐ καὶ χρόνον ἅπαντα, κἂν μὴν οὗτος ᾗ.

42. Tac. *Ann.* i. 80. Lib. *Or.* LIX. 164, αἰεὶ δὲ τοὺς προτέρους ὑπάρχοντες ἀναπαύοντες ἐν τῷ μέρει δευτέρους ἐτέρους πρὸς τὰς διοικήσεις ἄγονσι. καὶ πᾶν γε εἰκότως, εἴτε γὰρ ἐπίπονόν τι τὸ χρῆμα τῆς ἀρχῆς, οὐκ ἀξιοῦσι διηνεκεῖ φορτῶ τοὺς αὐτοὺς ἐπιτρέβσθαι, εἴτε τινὸς εὐδαιμονίας μετέχον, πολλοὺς εἰς μετουσίαν τῆς εὐδαιμονίας καλοῦσιν. PROBUS: Amm. XXVII. xi. 2-3: et licet potuit, quoad vixit, ingentia largiendo, et intervallando potestates adsiduas, erat tamen interdum timidus ad audaces, contra timidos celsior, ut videretur cum sibi fideret, de cothurno strepere tragico, et ubi paveret, omni humilior socco, atque ut natantium genus elemento suo expulsum haut tam diu spirat in terris, ita ille marcebat absque praefecturis, quas ob iurgia familiarum ingentium capessere cogebatur, numquam innocentium per cupiditates immensas, utque multa perpetrarent impune, dominum suum mergentium in rem publicam. Amm. XXIX. iii. 6, Africanus causarum in urbe defensor adsiduus, post administratam provinciam ad regendam aliam adspiravit, cuius suffragatori magistro equitum Theodosio id petenti, subagresti verbo pius respondit imperator: 'abi' inquit 'comes, et muta ei caput, qui sibi mutari provinciam cupit' et hoc elogio perit homo disertus ad potiora festinans ut multi. *CTh* ix. xxvi. 4, 416, si quis proconsularem aut vicariam potestatem vel consularitatis fasces aut vexilla praesidalia atque in discussionibus comitivas vel officia principatus contra definitionem nostram iterare temptaverit, fisco eius omne patrimonium sociari decernimus. ACACIUS: Lib. *Ep.* 1449. NEON: Theod. *Ep.* (Azema), 37, 39, 40.

43. MARCELLIANUS: Amm. XXIX. vi. 3. THEODOSIUS: Amm. XXIX. vi. 15. When any details are given *duces* in Ammianus have previous military experience: e.g. Cassianus (xvi. ix. 2), Valentinus (xviii. iii. 5), Pusaes (xxiv. i. 9), Maurus (xxv. i. 2). NARSES: Proc. BG II. xiii. 16.

44. Procopius (*HA* xx. 15) declares that Justinian's predecessors had nearly all appointed men learned in the law as quaestors, and admits that even under Justinian Tribonian and Constantine (*HA* xx. 20) had this qualification. For advocates as *magistri scriniorum* see *ILS* 4152, Aedesius v.c. causarum non ignobilis Africani tribunalis orator, et in consistorio principum item magister libellorum et cognitionum sacrarum, magister epistularum, magister memoriae (cf. Amm. xv. v. 4); as quaestors, Cass. *Var.* i. 12, v. 3-4, VIII. 18-19, x. 6-7. For rhetors as *magistri scriniorum* and quaestors, Eunap. *V. Soph.* xviii (Nymphidianus), Auson. III. 15-36 (Ausonius), Soc. v. 25 (Eugenius), Proc. *HA* xx. 17 (Junillus, an eminent Latinist). For the general promotion of barristers see ch. XIV, n. 97. POLYCARPUS AND MARINUS: Joh. Lydus, *Mag.* III. 36, ἡξίβη δὲ λοιπὸν τὰ τῶν σκρυνιαρίων ἀπὸ τῆς Ζήνωνος βασιλείας τοσοῦτον, ὅσον τὰ τῆς τάξεως ἔλξε· πολλῶν μὲν γὰρ ἄλλων καὶ Πολυκάρπου δὲ ἀπ' αὐτῶν εἰς τὴν ἀρχὴν ἀρπασθέντος ὑπὸ τῷ Ἀναστασίῳ, εἴτα καὶ Μαρίνου τὴν ὅλην ἀναλωσασμένον τῶν πραγμάτων διοίκησιν, δς καὶ αὐτὸς εἰς τῶν τῆς Συρίας σκρυνιαρίων ἐνέγχανε (cf. *CJ* v. xxx. 4, x. xxxii. 66, XII. xvi. 5 for Polycarpus). JOHN THE CAPPADOCIAN: Joh. Lydus, *Mag.* III. 57. Leo and Remigius started as financial clerks, but were rather inappropriately promoted to *magister officiorum*, an office which involved no financial work (Amm. xxvi. i. 6, xxx. ii. 10; xv. v. 36, xxvii. ix. 2).



45. For promotion of notaries see ch. pp. 127-8. AGENTES IN REBUS: *CTh* vi. xxvii. 13, 403, si post principatus officium nulla ulterioris honoris fuerint administratione perfuncti, xxviii. 2, 380, agentes in rebus, si principatus sorte deposita forsitan provinciae gubernacula isdem non evenerint. SILENTIARIES: *CTh* vi. xxiii. 2, 423, 3, 432. SACRA SCRINIA: *CTh* vi. xxvi. 14 §2, 412 (S); cf. on *palatini* in general, Symm. *Ep.* v. 76, Bonoso optimo viro et post militiam palatinam geminae administrationis integritate conspicuo, *CTh* vi. xxxv. 3, 319, etiam si quis ad diversas administrationes post obsequia palatina pervenerit, 5, ad universos palatinos, 328, ab his qui post impleta officia fidelis obsequii administrationes publicas meruerunt, 9, 380, agentem in rebus aliumve palatina dignitate subfultum, qui vel post administratam provinciam honorati auctoritate fulcitur vel testimonii nostri adsertione confidit frequenter super dignitate sua. ARCHIATRI: *CTh* xiii. iii. 15, 393, qui egerunt administrationes aut earum honore fungentur vel dimissi e palatio testimonialium suffragio munientur, 16, 414, seu indepta administratione seu accepta testimoniali meruerint missionem. CAESARIUS: Greg. Naz. *Or.* vii. 6-10, 13, 15.

46. *CTh* xii. i. 14, 326-54, dudum lege promulgata sanxit nostra clementia ut filii comitum et praesidum et rationalium magistrorumque privatae, qui tamen ex origine curialium descendunt, ordinibus necterentur. nunc praecipimus ut qui perfuncti muneribus idonei reperti sint iudicio clementiae nostrae accedere ad honores praecepti ad honestas promotiones perveniant. RHETORS: Amm. xxvii. ix. 6, Asiae vicarius ea tempestate Musonius advertisset, Athenis Atticis antehac magister rhetoricus, cf. Symm. *Ep.* i. 20, iter ad capessendos magistratus saepe literis promovetur, Lib. *Ep.* 1222 (Acacius' post is λόγων καρπός and his son's is λόγων πατρώων καρπός); see also n. 44 above. POETS: Lib. *Or.* i. 225, (Icarius, comes Orientis) τὴν ἀρχὴν ἄθλον εἶχεν ἐπῶν, Lib. *Ep.* 77: 'Ἀνδρόνικος ὁ ποιητὴς οὕτω διέθηκε πρὸς αὐτὸν τὰς μέχρ' Αἰθιόπων πόλεις, ὡς εἰκὸς ἦν 'Ἀνδρόνικον τοιοῦτον ἀφιέντα μέλι. καίτοι τὸ τῆς μητρὸς αὐτὸν καὶ τὸ τῆς πόλεως πάθος διεκώλυσε μὴ πάντα δεῖξαι τὰ ἀγάλματα τῆς ψυχῆς, ἀλλ' ὅμως οἷς ἡδυνήθη δεῖξαι δέδωκε τοῖς ἀνθρώποις εἰκάσειν περὶ τῶν οὐ φανέντων. ἐχαρῆετο δὲ ἡμῖν οὐ μᾶλλον διὰ τῶν ἐπῶν ἢ τῶν ἐπαίνων οἷς ἐχρηῖτο κατὰ σοῦ λόγων τὸν μὲν βασιλέα τιμᾶν σε πᾶσιν οἷς εἶχεν, εὐρῆσθαι δὲ οὐδὲν οὐδέπω τῆς σῆς ἀξίας ἐγγύς. ἐμοῦ δὲ αὐτῷ παρανοούντος μὴ διωθεῖσθαι τὰς διδομένας ἀρχάς ὡς ἐνὸν ἄρχεν τε ὁμοῦ καὶ ἄδεν, ἀλλ' ἐγὼ φησιν εἰμι δώσων ἐμαυτὸν Θεμιστίω μαθητὴν κάλλιον ἡγούμενος τοῦ πολλῶν ἄρχεν, Joh. Lydus, *Mag.* iii. 42: Κύρου γὰρ τινος Αἰγυπτίου, ἐπὶ ποιητικῇ ἔτι καὶ νῦν θαυματούμενου, ἅμα τὴν πολλαρχον ἅμα τὴν τῶν πραιτωρίων ἐπαρχότητα διέποντος καὶ μηδὲν παρὰ τὴνποίησιν ἐπισταμένον, . . .

47. For barbarians and Romans in military posts see ch. IV, nn. 53, 54, ch. V, nn. 10, 56, ch. VI, nn. 3-7, 16-18. ALYPIUS: Amm. xxiii. i. 2, xxix. i. 44. CHRYSANTHUS: Soc. vii. 12. FESTUS: Amm. xxix. ii. 22, cf. Lib. *Or.* i. 156 for his ignorance of Greek. RUFINUS: Zos. iv. 51 ff., Claudian, *in Ruf.* i. 137, 171-2; cf. Lib. *Ep.* 865 (no Greek). VADOMARIUS THE ALAMAN DUX OF PHOENICE: Amm. xxi. iii. 5. MUNDERICH THE THURINGIAN DUX OF ARABIA: Amm. xxxi. iii. 5. PREFECTS OF EGYPT: F. Larsow, *Die Festbriefe des heiligen Athanasius*, 26-46, E. Schwartz, *Ges. Schr.* iii. 15-26.

48. PRAETORIAN PREFECTS OF GAUL: Sundwall, *Weströmische Studien*, 8 ff. LAW AGAINST NATIVES: *CJ* ix. xxix. 3, 380 (S), i. xli. 1, Syn. *Ep.* 73. ELECTION OF PROVINCIAL GOVERNORS: Just. *App.* vii. 12, 554, Nov. cxlix §1, 569, ἵνα τοῖνυν μὴ ξένοι τινὲς ἐπεισπηδῶντες ταῖς ἐπαρχίαις ἀδικοῖεν αὐτάς, ἡμεῖς τε συγκαῖς ταῖς κατ' αὐτῶν ἐνοχλοῖμεθα προσελεύσεσι, προτρέπομεν τοὺς ἐκάστης ἐπαρχίας ὁσιωτάτους ἐπισκόπους κτητόρων τε καὶ οἰκητόρων τοὺς ἄγοντας τὰ πρωτεῖα διὰ κοινῆς δεήσεως

ἀναφέρειν ἐπὶ τὸ ἡμέτερον κράτος τοὺς αὐτοῖς ἐπιτηδεύως ἔχειν πρὸς τὴν ἀρχὴν τῆς αὐτῶν ἐπαρχίας νομιζομένους.

49. PANNONIANS: A. Alföldi, *A conflict of Ideas in the Later Roman Empire*, 13-17. Theodosius I's praetorian prefect Cynegius was a Spaniard (see ch. V, n. 59). For Constantius II and Constans see pp. 133-4.

50. For the promotion of *tribuni scholarum* and *duces* see nn. 16 and 39. AUSONIUS: Auson. III. 25-36. SITTAS AND BELISARIUS: Proc. BP I. xii. 21, xiii. 9, xv. 3. JOHN: Joh. Lydus, *Mag.* III. 57.

51. AURELIUS VICTOR: Amm. XXI. x. 6. SUFFRAGATORES: PL XVII. 58, nam ideo ad regem per tribunos aut comites itur, quia homo utique est rex et nescit quibus debeat rempublicam credere. ad deum autem, quem utique nihil latet (omnium enim merita novit), promerendum, suffragatore non opus est sed mente devota.

52. PRAETORIAN PREFECTS AND GOVERNORS: Lib. *Ep.* 1224 (Salutius), 871 (Tatian), βασιλέως μὲν γὰρ τὸ δοῦναι τὸ γραμματεῖον, σὺ δ' ὃν λαβεῖν ἄξιον διδάσκεις, cf. 563, 1426, 1489; Syn. *Ep.* 73, Theod. *Ep.* (Azema) 39, CJ IX. xxvii. 6 pr., 439, sancimus eiusmodi viros ad provincias regendas accedere qui honoris insignia non ambitione vel pretio, sed probatae vitae et amplitudinis tuae solent testimonio promoveri, ita sane ut quibus hi honores per sedis tuae vel nostram fuerint electionem commissi, iurati inter gesta depromant se pro administrationibus sortiendis neque dedisse quippiam neque daturus umquam postmodum fore; cf. also Theod. *Ep.* (Azema) 39. SYMMACHUS: Symm. *Rel.* 17; *CTh* I. vi. 9, ad Symmachum, 385, disputari de principali iudicio non oportet; sacrilegii enim instar est dubitare an is dignus sit quem elegerit imperator.

53. THEODOSIUS: Amm. XXIX. iii. 6. MAXIMINUS: Amm. XXIX. vi. 3. For Pannonians under Valentinian and Valens, see n. 49. MAXIMINUS: Amm. XXVIII. i. 5. FESTUS: Amm. XXIX. ii. 22. AQUITANIANS UNDER GRATIAN: K. F. Stroheker, *Der senatorische Adel im spätantiken Gallien*, 26 ff.

54. Among Libanius' letters which directly solicit offices for his friends are *Ep.* 1224, 1260, 1426, 1443, 1449, 1474, 1489, 1510.

55. *CTh* VII. xxi. 2, 326-54, si quis de paganis vel decurionibus ambierit ad honores protectoriae dignitatis, nec tempus nec stipendia ei post hanc legem computanda sunt; hoc et circa eos qui ad praeposituras ambitu pervenerint custodiri praecipimus, VI. xxiv. 3, 365 (S), sicuti variis itineribus protectorum domesticorum schola comprehensos ad eam venire perspicimus, ita etiam sportularum diversa esse debet insumptio. grave enim admodum est viros post emensum laborem, qui nullius rei cupidores fuere quam gloriae, huiusmodi erogationibus fatigari. eos tamen penitus solummodo inter quinos et denos sportularum nomine primatibus distribuere praecipimus. eos autem qui vel suffragio vel potentium gratia sacram purpuram adorare pervenerint, quinquagenos solidos volumus insumere, VII. xx. 13, 407 (S), oportet inter eos qui ambitio ac suffragiis ad tribunatus praepositurasque perveniunt et eos qui labore periculis atque ordine militiae decurso huiusmodi dignitates acceperint esse discretionem. ABINNAEUS: P. Abinn. I.

56. CONSTANTINE: *CTh* VI. xxii. 1, 324 (S), si qui tamen bonorum virorum suffragio nulla data pecunia vel provinciae legatione suscepta nostris sunt obtutibus illustrati . . . qui vero coemptis procurationum administrationibus post lucra de fisco captata vacationem meruerunt. JULIAN: Amm. XX. v. 7,

'ut autem rerum integer ordo servetur, praemiaque virorum fortium maneant incorrupta, nec honores ambitio praeripiat clandestina, id sub reverenda consilii vestri facie statuo, ut neque civilis quisquam iudex nec militiae rector, alio quodam praeter merita suffragante, ad potioem veniat gradum, non sine detrimento pudoris eo, qui pro quolibet petere temptaverit, discessuro'; xxii. vi. 5, unde velut aequitate ipsa dictante lex est promulgata, qua cavetur nullum interpellari suffragatorem super his quae eum recte constiterit accepisse; *CTh* II. xxix. 1, 362, foedis commentis quae bonorum merito deferuntur quidam occupare meruerunt et cum meruissent in republica quolibet pacto versari, repetendam sibi pecuniam quam inhoneste solverant impudentius atque inhonestius arbitrantur: alii etiam quae tunc donaverant vel potius proiecerant ob inmeritas causas, invadenda denuo crediderunt. sed quia leges Romanae huiusmodi contractus penitus ignorant, omnem repetendi eorum quae prodige nefarieque proiecerunt copiam prohibemus. qui itaque repetere nititur vel repetisse convincitur, et quod dedit apud suffragatorem eius manebit vel extortum restituet et alterum tantum fisci viribus inferre cogetur. For 'fumum vendere' see SHA, *Ant. Pius*, 11, *Heliogab.* 10, *Alex. Sev.* 36. Mamertinus (Pan. Lat. III. 19 ff.) gives a lurid account of *suffragia* under Constantius II, and his verdict is borne out by the praises given by Ammianus to Valentinian I (xxx. ix. 3, nec imperante eo provinciam nummularius rexit, aut administratio venumdata) and by Themistius to Valens (*Or.* VIII. 117a, *τοιγαροῦν σπάνην ἐποίησας σπουδαρχούντων. καὶ οὐ προκεῖται νῦν ἀρχῶν ἀγορά, οὐδὲ προκηρύττονται αἱ τῶν ἐθνῶν ἐπιτροπεῖαι ὥσπερ τὰ ὄνια*). THEODOSIUS I: *CTh* II. xxix. 2, 394, si qui desideria sua explicare cupientes ferri sibi a quoquam suffragium postularint et ob referendam vicem se sponsione constrinxerint, promissa restituant cum ea quae optaverint consequantur; si artibus moras nectent, ad solutionem debiti coartandi sunt. sed si quid eo nomine in auro vel argento vel in ceteris mobilibus datum fuerit, traditio sola sufficiat . . . quod si praedia rustica vel urbana placitum continebit, scriptura quae ea in alium transferat emittatur, sequatur traditio corporalis et rem fuisse completam gesta testentur.

57. RUFINUS: Claudian, *in Ruf.* I. 180, ambitos a principe vendit honores, ZOS. V. I. EUTROPIUS: Claudian, *in Eutrop.* I. 196 ff. THEODOSIUS I: ZOS. IV. 28. PULCHERIA: Eunap. 87. LAW OF 439: *CJ* IX. xxvii. 6 (cited in n. 52). Themistius praises Valens because *σπάνην ἐποίησας σπουδαρχούντων, καὶ οὐ προκεῖται νῦν ἀρχῶν ἀγορά, οὐδὲ προκηρύττονται αἱ τῶν ἐθνῶν ἐπιτροπεῖαι ὥσπερ τὰ ὄνια* (*Or.* VIII, 117a); it is implied that offices were sold under Constantius II. We do not hear much of *suffragia* in the west in the fifth century, but they are regarded as a matter of course by Sidonius Apollinaris (*Ep.* v. 16, namque ille iam pridem suffragium dignitatis ineundae non solvit in lance sed in acie, aerariumque publicum ipse privatus non pecuniis sed manubiis locupletavit).

58. Malchus, 9, *καὶ χρηστῆς ἂν βασιλείας ἔτυχον Ῥωμαῖοι, εἰ μὴ Σεβαστιανὸς ὁ τότε παραδυναστεύων ἦγεν αὐτὸν ὅπῃ ἐβούλετο, καπηλεύων ὥσπερ ἐξ ἀγορᾶς ἅπαντα καὶ μηδὲν ἄπικτον εἶν ἐν τῇ βασιλείᾳ αὐτῇ διαπράττεσθαι, ἀλλὰ τὰς μὲν ἀρχὰς ἀπεδίδοτο πάσας, ἰδίᾳ μὲν ἑαυτῷ ἰδίᾳ δὲ λαμβάνων τῷ βασιλεῖ τὰ τιμήματα . . . εἰ δέ τι ἀρχὴν τῶν περὶ αὐτὸν ὄντων ἐχαρίσατο Ζήνων, ὥσπερ πολιτοκάπηλος, αὐτὸς ταύτην ὀλίγον παρ' ἐκείνου λαμβάνων, ἄλλοις παρεῖχε τοῦ πλείονος, Ζήνωνι δὲ τὰ κλέμματα παρέχων, 12, ὅτι τὸν ἄρχοντα Αἰγύπτου ἐπὶ μόλις χρυσίου λίτρας ν' ἐκπεμπόμενον, ὥσπερ εὐδαιμονεστέρας γενομένης ἢ πρόσθεν, ἐπὶ πεντακοσίαις ὁμοῦ λίτραις ἀπέστειλεν.*

59. Just. Nov. viii, *insinrandum*, ὅμνημι δὲ τοὺς αὐτοὺς ὄρκους ὡς οὐδενὶ παντελῶς οὔτε δέδωκα οὔτε δώσω προφάσει τῆς δεδομένης μοι ἀρχῆς οὐδὲ προφάσει προστασίας, οὔτε ἐπηγγελίαν οὔτε ὁμολόγησα ἐκ τῆς ἐπαρχείας πέμψειν οὔτε πέμψω, οὐδὲ προφάσει

δεσποτικοῦ suffragii οὔτε τοῖς ἐνδοξοτάτοις ἐπαρχοῖς οὔτε τοῖς ἄλλοις πανευφήμοις ἀνδράσι τοῖς τὰς ἀρχὰς ἔχουσιν οὔτε τοῖς περὶ αὐτοὺς καθεστῶσιν. cf. proem, πῶς γὰρ ἂν ἴσχυον οἱ συντελεῖς, τῶν τε ἐκ τινος χρόνου βεβασιλευκότων ἀεὶ τι κερδαίνειν ἐκ τῆς ἐπὶ ταῖς ἀρχαῖς προαγωγῆς βουλομένων, εἰκότως τε τούτοις ἀκολουθούντων καὶ τῶν ἐνδοξοτάτων ὑπάρχων, ἔκ τε τῆς ἐντεῦθεν ἀδικίας, ταῖς τε ἔξωθεν ζημίαις ταῖς τε νενομισμέναις εὐσεβέσιν ἐπαρκεῖν εἰσφοραῖς; and §§1 and 7.

60. Just. Nov. viii pr., ἐσκοπήσαμεν γὰρ ὅτι περ, εἰ καὶ πόρος οὐ μικρὸς ἐλαττοῦται τῇ βασιλείᾳ, ἀλλ' οὖν τῶν ἡμετέρων ὑποτελῶν ἐπίδοσιν μεγάλην λαμβανόντων, εἴπερ ἀξήμιοι παρὰ τῶν ἀρχόντων φυλάττωτο, ἢ τε βασιλεία τό τε δημόσιον εὐθηνήσῃ χρωμένη ὑπηκόοις εὐπόροις . . . ἢ οὐ πᾶσιν ἐστὶ φανερόν, ὅτι περ ὁ χρῆσις διδοὺς καὶ οὕτω τὴν ἀρχὴν ἀνούμενος οὐκ αὐτὸ δίδωσι μόνον ὅσον προφάσει τῶν καλουμένων ἐπενοήθη suffragio, ἀλλὰ καὶ ἕτερον ἔξωθεν προσεπιθήσει πλεῖον προφάσει τῆς τῶν ἄλλων τῶν τὴν ἀρχὴν ἢ διδόντων ἢ μνηστεινόντων θεραπείας; xviii §4, ταῦτα ἡμᾶς ἐδυσώπησεν οὐ μόνον τοῖς ἐντεῦθεν κέρδεσιν ἀπειπεῖν, ἀλλὰ καὶ οἴκοθεν προσδαπανῆσαι μεγάλα, καὶ εἴ που τισὶν ὦνιον παρὰ τῶν πρὸ ἡμῶν τὸ τῆς ἀρχῆς ἐδίδото σχῆμα, τοῦτο ἐξωνήσασθαι καὶ ἐλευθέρους τοὺς ἡμετέρους ἀφεῖναι συντελεῖς τοῦ τοιούτου δασμοῦ καὶ οἴκοθεν ἀντεισαγαγεῖν τὴν παραφυγὴν τοῖς λαμβάνουσι, ἵνα καὶ τούτοις μεταδῶμεν ἐλευθερίας, xxi §2, ἡμεῖς γὰρ κἀνταῦθα τοὺς ἡμετέρους ὑποτελεῖς ἐξωνήσομεθα καὶ τοῖς κομιζομένοις ἐξ ἔθνους προφάσει τοῦ καλουμένου σουφραγίου δώσομεν αὐτοί, τοῦτο ἐκ τῶν φόρων αὐτοῖς τῶν τῆς ἐπαρχίας ἐπιδίδοντες διὰ τοῦ θρόνου τοῦ σοῦ, Ed. iv §1, καὶ τὸ τοῦ μοδεράτωρος αὐτῇ δοῦναι σχῆμα καὶ σιτήσεις αὐτῇ ἄχρι δέκα λιτρῶν ἀπορίσαι χρυσίου, αὐτοῦ μὲν μηδὲν τῷ δημοσίῳ παρέχειν ὀφείλοντος προφάσει τῆς τοιαύτης προαγωγῆς, τοῦ δὲ τὸ Φωνίκης σκρίνιον τρακτεῦντος δέκα μόνας χρυσίου λίτρας ἐτησίας διδόντος ἀπὸ τοῦ κανόνος τῆς αὐτῆς ἐπαρχίας τῷ κατὰ καιρὸν περιβλέπτῳ πριμικηρίῳ τῶν λαμπροτάτων τριβούνων νοταρίων, ὑπὲρ τῆς πρώην αὐτῷ δεδομένης δωρεᾶς, ὅπερ καὶ βενεφίκιον ὀνομάζεται.

61. Proc. HA xxi. 9-19, Just. App. vii. 12, §54, Nov. cxlix, §69, clxi, §74, Greg. Ep. v. 38: sed rem mihi sacrilegam nuntiavit: quia hi qui in ea idolis immolant iudici praemium persolvunt, ut hoc eis facere liceat. quorum dum quidam baptizati essent et iam immolare idolis deseruissent, adhuc ab eodem insulae iudice etiam post baptismum illud praemium exigitur, quod dare prius pro idolorum immolatione consueverant. quem cum praedictus episcopus increparet, tantum se suffragium promississe respondit, ut nisi de causis etiam talibus impleri non possit.

62. Just. Nov. viii pr.

63. CTb i. xxii. 4, §383, ceterum neque comiti neque rectori provinciae plus aliquod praestabitur quam nos concessimus in annonis seu cellariis, vii. iv. §32 (see n. 64). Cellaria are also mentioned in remissions of arrears, CTb xi. xxviii. 9, 414, 16, 433, Marc. Nov. ii §1, 450, also in CTb xi. i. 6, §354; these laws may refer to supplies for the comitatus. According to Chron. Pasch. 540, Vetrano after his abdication received from Constantius II ἀννῶνας καὶ κελλαρικά δωρίως. The bishops at the Council of Ariminum were given annonas et cellaria (Sulp. Sev. Chron. ii. 41) JULIAN: Amm. xvi. v. 3, denique cum legeret libellum adsidue, quem Constantius ut privignum ad studia mittens manu sua conscripserat, praelicenter disponens, quid in convivio Caesaris impendi deberet: fasianum et vulvam et sumen exigi vetuit et inferri, munificis militis vili et fortuito cibo contentus. IMAGINARY LISTS: SHA, Claudius, 14, Aurelianus, 9, Probus, 4; cf. SPP xx. 75 (payments of barley for the annona of the governor, and of wine, meat, vegetables and fruit εἰς τὸ κελλαρικόν).

64. Symm. Ep. iv. 19, Flavianus vir inl. commune pignus diu eluctatus fortunae aspera, sed divi principis beneficio in tranquillum reductus, solvere salarium

patris iussus est, taxatione pretiorum graviter aggerata, neque census exilis tanto oneri convenit. *CTb* vii. iv. 32, 412, procuratores curiarum annonarum et cellariensium specierum gratia minime fatigentur quas in dignitatibus constituti, id est rectores provinciarum et comites, solent accipere. nam cum adaerationis aestimatio prius per centum et viginti capita exactione solidi teneretur, per sexaginta recens redegit aviditas exindeque iam nutrita licentia ad tredecim tributarios non dubitavit artare, procuratore damnum quo ipse subditus fuisset provincialibus infligente. ideoque per cornicularium cuiuscumque provincialis officii hanc sollicitudinem impleri conveniet, ita ut nulla ab eodem exactionis molestia provincialibus inferatur. sed erogandas species ex horreis publicis et cellariensium nomine aurum ex titulo manifesto eidem delegatum pro erogationis qualitate suscipiat, etiam pretium his qui adaerare voluerint depensurus iuxta nundinationem quae aut foro rerum venalium continetur aut amplissimae praefecturae est culmini deputata, *CJ* i. lii. 1, 439, omnibus tam viris spectabilibus quam viris clarissimis iudicibus qui per provincias sive militarem sive civilem administrationem gerunt . . . in praebendis solaciis annonarum hic fixus ac stabilis servabitur modus, ut ea pro annonis et capitu dignitati suae debitis pretia consequantur quae particularibus delegationibus soleant contineri. Just. *Nov.* viii §§2, 3, 5, xxiv. notitia, xxv. notitia, xxvi. notitia, 535, ὑπὲρ ἀννωνῶν καὶ καπιτατίωνων καὶ λοιπῆς παραφυγῆς.

65. Just *Ed.* xiii §3, 539, οὐδὲ γὰρ ἡμεῖς ἐκ τοῦ δημοσίου αὐτῷ ταύτην μόνην δώσομεν τὴν παραφυγὴν, ἣν μέχρι νῦν ὁ περιβλεπτός Αἰγυονστάλιος ἔχει, τὰς πεντήκοντα μὲν ἀννόνας καὶ τὰ πεντήκοντα κάπιτα, §18, λήφεται δὲ καὶ αὐτὸς τὰς ἀφωρισμένας αὐτῷ σιτήσεις, ὑπὲρ μὲν τῶν ἐν εἰδει ἀννωνῶν ἐνετήκοντα καὶ καπίων ἑκατὸν εἴκοσι νομίσματα χίλια πέντε τέταρτον, ὑπὲρ δὲ τῶν ἐν χρυσῷ ἀννωνῶν πεντήκοντα καὶ καπίων πεντήκοντα νομίσματα τετρακόσια. I regard the *annona* 'in gold' as the basic salary, and those 'in kind' as perquisites, see ch. XVII, n. 84. Just. *Nov.* xxix §2, 535, σίτησι μὲν λαμβάνων ἦν ἑκατέρα πρώην εἶχεν ἀρχή, συνοῦσαν εἰς χρυσοῦς ἑπτακοσίους εἴκοσι πέντε, xxiv §1 and notitia, xxv §1 and notitia.

Justinian's salaries are as follows:

Praefectus praetorio Africae	100 lb. (= 7,200 solidi)	<i>CJ</i> i. xxvii. 1 §21
Praefectus et dux Augustalis	40 lb. (= 2,880 solidi)	Just. <i>Ed.</i> xiii §3
Proconsul Palaestinae	22 lb. (= 1,584 solidi)	Just. <i>Nov.</i> ciii §1
(with assessor and <i>officium</i> )		
Dux Tripolitanae	1,582 solidi	<i>CJ</i> i. xxvii. 2 §20
Dux Byzacenae	"	" §23
Dux Numidia	"	" §26
Dux Mauretaniae	"	" §29
Dux Sardiniae	"	" §32
Proconsul Cappadociae	20 lb. (= 1,440 solidi)	Just. <i>Nov.</i> xxx §6
Dux Libyae (unaltered)	1,405½ solidi	Just. <i>Ed.</i> xiii §18
Moderator Arabiae	15 lb. (= 1,080 solidi)	Just. <i>Nov.</i> cii §2
Praetor Pisidia	800 solidi	" xxiv not.
Praetor Lycaoniae	"	" xxv not.
Praetor Thraciae	"	" xxvi not.
Comes Isauriae	"	" xxvii not.
Moderator Helenoponti	725 solidi	" xxviii §3
Praetor Paphlagoniae	"	" xxix §2
Moderator Phoenicae Lib.	10 lb. (= 720 solidi)	Just. <i>Ed.</i> iv §1
Quaesitor	10 lb. "	Just. <i>Nov.</i> lxxx §8

Praetor plebis (with assessor)	10 lb.	720 solidi	Just. <i>Nov.</i> xiii §3
Comes Armeniae III		700 solidi	„ xxxi §1
Consulares in Africa		448 solidi	CJ I. xxvii. 1 §40

66. *CTh* II. xxix. 2 (cited in n. 56), *Lib. Or.* XLVIII. 11, *πρόην τις ἐνεχθεὶς χορηγὸς ἐγγυητὴν καταστήσας ἀπέδρα. πῶς οὖν ὑμεῖς; τὸν μὲν ἐγγυητὴν ἀδικοῦντα οὐδέν, ἐξηπάτητο γὰρ, καθείρξαντες εἴχετε, καὶ ὁ θυμὸς πολλὸς καὶ αἱ ἀπειλαὶ δεινὰ καὶ διασπώμεθα τὸν ἄνθρωπον ἦσαν οἱ λέγοντες, μικρὸν δὲ ὕστερον τὸν ἐξεγγυηθέντα ἠκούομεν ἀρχὴν πριάμενον τῆς πατρῴας οἰκίας ἀγρόν αὐτῇ προστεθεικότα συλλέγειν τὴν τιμὴν τοῖς ἐπὶ τῆς ἀρχῆς κακοῖς. BORROWING: Just. *Nov.* viii pr., 535, καὶ τοῦτο τὸ χρυσίον οὐκ οἴκοθεν ἴσως παρέχειν ἀλλὰ δεδανεισμένον, καὶ ἵνα δανείσασθαι δυνηθεῖη ζημιούμενον, καὶ συλλογίζεσθαι κατ' αὐτὸν ὅτι προσήκόν ἐστι τοσοῦτον ἐκ τῆς ἐπαρχίας λαβεῖν ὅπόσον διαλύσει μὲν αὐτῷ τὰ ὀφλήματα, κεφάλαιά τε καὶ τόκον, καὶ τὰς ὑπὲρ αὐτοῦ τοῦ δανείσασθαι ζημίας, cf. xxviii §4, *Lib. Or.* IV. 20-2, *Proc. HA* xxi. 13, *Syn. Ep.* 72, 73, 100, πάντως δὲ συχνοῖς ἐντεύξει τοῖς δεῦρο ἀφικνουμένοις, καὶ εἰ μηδὲσιν ἄλλοις ἀλλὰ τοῖς ἀρξουσιν ἡμῶν καὶ τὴν ἐλάττω καὶ τὴν μείζω καὶ τὴν *Αἰγυπτίων ἀρχήν*· οὗς οὐκ εἰκὸς ἀγνοεῖσθαι διὰ τὴν ἀκολουθίαν τῶν δανειστών.*

67. Malchus, 12 (cited in n. 58), Just. *Ed.* iv §1 (cited in n. 60).

68. *CTh* IX. xxviii. 1, 392, *CJ* IX. xxviii. 1, 415, iudices, qui tempore administrationis publicas pecunias subtraxerunt, lege Iulia peculatus obnoxii sunt et capitali animadversioni eos subdi iubemus. A case of peculation is mentioned in Val. III, *Nov.* i. 3 §6, Sardiniam ab hoc excipi placuit quoniam apud nonnullos calliditate quadam maxima pars pecuniae resedit, quam exactam publicis oportuit erogationibus adplicari, but it is not stated who had pocketed the money. For extortion in tax collection see pp. 457-8, 467-8.

69. JUDICIAL CORRUPTION: *CTh* IX. xxvii. 5, 383, 6, 386, *Marc. Nov.* i pr., 450, Just. *Nov.* viii pr., 535. THE GOVERNOR OF SARDINIA: *Greg. Ep.* v. 38 (cited in n. 61). For laxity against heretics, see below, n. 84.

70. SALES AND GIFTS: *CTh* VIII. xv. 5, 368, 6, 380, 8, 397, Val. III, *Nov.* xxxii, 451, *CJ* I. liii. 1, 528. MARRIAGES: *CTh* III. vi. 1, 380, xi. 1, 380. Gregory Nazianzen (*Or.* XLIII. 56) recounts how Basil foiled the matrimonial pressure of the governor's assessor on a wealthy lady.

71. *Theod. Ep.* (Azema) 37, 39, 40. Other warm commendations of governors include *Greg. Naz. Ep.* 154, *Lib. Ep.* 780, 1261.

72. *CJ* I. xlix. 1, 479.

73. On the perquisites of military officers see pp. 644-5. For *petitio* by the great see *Amm.* xvi. viii. 11, *Olymp.* 23.

74. See ch. XVI, n. 34 (*agentes in rebus*), XVI, n. 19 (*notarii*), XVII, n. 165 (*domestici*), XVII, n. 118 (*scribiones*), XVI, n. 15 (*silentarii*), XVI, n. 8 (*cubicularii*). MITTENDARI: *CJ* I. xxvii. 1 §30, *PPO Afr.* 534, *CTh* VI. xxx. 7, 384 (= *CJ* XII. xxiii. 7 §6), 8+9, 385, 22, 419, 23, 422, all addressed *CSL*. EVECTIONES: *CTh* VIII. v. 12, 362, exceptis igitur vobis nulli evectionem licebit facere de cetero. sed ut necessitates publicae impleantur vicariis denas vel duodenas evectiones manu mea perscriptas ipse permittam, praesidibus vero binas annuas faciat vestra sublimitas, quibus ad separatas provinciarum secretasque partes necessariis ex causis officiales suos dirigere possint. sed his quoque nostra etiam mansuetudo evectiones singulas dabit, ut ad nos referre possint cum id fieri necessitas quaedam exegerit; cf. *Not. Dig. Or.* ii. 72, praefectus praetorio orientis evectiones annuales non habet sed ipse emittit,

iii. 33, praefectus praetorio Illyrici ipse emittit, xi. 53, magister officiorum ipse emittit (in the emperor's name), xiii. 35, comes largitionum quotiens usus exegerit, xiv. 15, comes rerum privatarum quotiens usus exegerit. The *magistri militum* (v-ix), the proconsul of Achaëa (xxi), the vicar of Pontica (xxv), the *comites* of Egypt and Isauria (xxviii, xxix), and *duces* (xxx-xlii) have the number of their *evectiones* recorded. The prefect of the city had the right of issuing *evectiones* in 364 (*CTh* VIII. v. 19) but later lost it (*CTh* VIII. v. 55, *PU* 396).

75. The following constitutions illustrate bureaucratic promptitude or dilatoriness:

Maj. <i>Nov.</i> ii, 458, dat. vi id. Mart. Rav. acc. v id. ss. Rav.	1 day
Val. III, <i>Nov.</i> xxi. 2, 446, dat. vii kal. Ian. Rom. acc. vi kal. Ian. Rom. prop. v kal. Ian. in foro Traiani	2 days
Val. III, <i>Nov.</i> xix, 445, dat. vi id. Dec. Romae, pp. prid. id. Dec. in foro Traiani	4 "
Val. III, <i>Nov.</i> xxxi, 451, dat. prid. kal. Feb. Romae, acc. iii non. Feb. Romae, prop. in foro Traiani.	4 "
Val. III, <i>Nov.</i> xxv, 447, dat. iii. non. Iun. Rom. prop. in foro Traiani v id. Iun.	6 "
Val. III, <i>Nov.</i> x, 441, dat. x kal. Mart. Rav. accepta prid. id. Mart. ubi sup.	22 "
Anth. <i>Nov.</i> i, 468, dat. x kal. Mart. Romae, accep. id. Mart. Romae	23 "
Val. III, <i>Nov.</i> xxiii, 447, dat. iii id. Mart. Rom. acc. vi kal. April. Rom. prop. in foro Traiani viii id. April.	24 "

NICOMEDIA TO CONSTANTINOPLE: *CTh* VI. iv. 32, 397, dat. vi kal. Iul. Nicomedia, acc. prid. kal. Aug. Constp.

76. SYMMACHUS AND HONORIUS: *Coll. Avell.* 14, 15, 16, 33: another journey from Ravenna to Rome is Val. III, *Nov.* xxvii, 449, dat. xv kal. Iul. Rav. pp. in foro Traiani xiii kal. Aug. (33 days), cf. also *CTh* XI. xxxvi. 16, *PU* 364, dat. viii. id. Octob. Altino, acc. xvi kal. Nov. (9 days), VIII. xviii. 1, 315 (S), dat. xv kal. Aug. Aquil. recitata apud Vettium Rufinum *PU* in senatu non. Sept. (49 days).

FROM MILAN TO ROME:

<i>CTh</i> IX. vii. 3, 342, dat. prid. non. Dec. Med. pp. Romae xvii kal. Ianuar.	12 days
„ VI. x. 2 and vi. xxii. 5 + xxvi. 2, <i>PU</i> 381, dat. iv. kal. April Med. acc. xii kal. Mai.	22 "
„ VI. xxxv. 13, <i>PU</i> 386, dat. prid. non. Iul. Med. acc. iiiii kal. Sept.	54 "
„ XIII. i. 1, 356, dat. iv. non. Dec. (at Milan) acc. Rom. viii id. Feb.	66 "

FROM ROME (MILAN) TO CONSTANTINOPLE (NICOMEDIA) AND VICE VERSA:

<i>CTh</i> VI. iv. 8 and 9, 356, dat. iii id. April. Med. lecta ab Araxio procons. die vi id. Mai.	29 days
„ XIV. xxiv. 1, 328, dat. kal. Mar. Nicomediae, acc. viii id. April. Romae	36 "
„ XIV. i. 1, 360 (S), dat. vi kal. Mar. Constanp. acc. id. Mai. Rom.	80 "

CONSTANTINOPLE TO HISPALIS: *CTh* III. v. 6, 336, dat. id. Iul. Constantp. accepta xiiii k. Mai. Hispali. SARDICA TO CORDUBA: *CTh* IX. i. 1, 316, dat. prid. non. Dec. Serdicae, accepta v non. Mart. Corduba.

The double dated constitutions to Africa are as follows:

<i>CTh</i> xi. xix. 1, 321, dat. xv kal. Mai. Sirmi, accep. xv kal. Iun. Karthag.	31 days
„ i. iii. 1, pc. Afr. 383, dat. xvi kal. Iul. Verona, accepta prid. kalend. Aug.	45 „
„ xi. xxx. 5 + 6, 316, dat. id. Aug. Arelato, pp. id. Octob. Theveste	61 „
„ xi. xxx. 33, 364, dat. prid. id. Sept. Aquil. acc. xviii kal. Dec. Tacapis	63 „
„ xi. vii. 8, 356 (S), dat. iiii non. Sept. Dinummae, acc. prid. id. Nov. Karthag.	71 „
„ xi. xxxvi. 23, pc. Afr. 378, dat. iii kal. Feb. Trev. acc. vi kal. Mai.	86 „
„ xi. i. 13, 365, dat. xv kal. Nov. Parisiis, acc. xv kal. Feb. Karthag.	92 „
„ viii. x. 1, 313 (S), dat. vi id. Nov. Treviris, acc. xv kal. Mart. Carthagine	99 „
„ xi. vii. 9, 364, dat. iii id. Mai. Hadrianop. acc. viii kal. Octob. Karthag.	134 „
„ xi. xxviii. 1, 363, dat. vii kal. Nov. Antiochiae, acc. xv kal. April. Karthag.	143 „
„ xv. i. 1, pc. Afr. 357, dat. iiii non. Feb. Med. acc. viii id. Iul.	156 „
„ ix. xl. 1 + xi. xxx. 2 + xxxvi. 1, dat. iiii non. Nov. Trev. acc. xv kal. Mai. Hadrumeti	166 „
„ viii. vii. 12, pc. Afr. 372, dat. iii kal. Iun. Nassonaci, acc. vi kal. Dec.	180 „
„ xi. xxxvi. 10, 360 (S), dat. xv kal. Feb. Constantinop. acc. x kal. Aug. Karthag.	186 „
<i>Sirm.</i> 12, 407, data vii kal. Decembr. Romae, proposita Carthagine in foro sub programme Porphyrri proconsulis nonis Iuniis	192 „
<i>CTh</i> xvi. ix. 1, 335, dat. xii kal. Nov. Constantinop. pp. viii id. Mai. Cartg.	199 „
„ x. xvii. 3, 391, dat. xiii kal. Iul. Aquil. acc. id. Ian. Hadrumeti	208 „
„ xv. vii. 13, 414, dat. vi id. Feb. Rv. Constantio v.c. cons. acc. a tribuno volupt. x kal. Feb. Karthagine post cons.	349 „

The last constitution evidently went astray in the post, following the *tribunus voluptatum*, whose proper residence was at Rome, to Carthage, where he had gone on mission or on holiday.

Journeys from various cities of Illyricum to Rome include:

<i>CTh</i> vi. xxii. 1, <i>PU</i> 324 (S), dat. x kal. Feb. Sirmio, acc. non. April.	72 days
„ xi. xxx. 28, 359, dat. xiv kal. Iul. Singiduno, pp. x kal. Aug. Rom.	35 „
„ ii. xvi. 2, 319 (S), dat. viii kal. Aug. Naisso, prop. Rom. non. Octobr.	74 „
„ xi. xxx. 18, 329 (S), dat. xiii kal. Iul. Serdicae, pp. vi kal. Aug. Rom.	48 „
„ viii. xvi. 1, 320, dat. prid. kal. Feb. Serdicae, pp. kal. April. Rom.	60 „



## XII. THE ADMINISTRATION (pp. 403-4) 93

„ XVI. x. 1, *PU* 320, dat. xvi kal. Ian. Serdicae, acc. viii id. Mar. 82 „  
 „ II. xvii. 1, 324 (S), dat. v id. April. Thessal. pp. iii kal. Iun. Rom. 52 „  
 Cf. also *CTb* VII. xxii. 1, 319, dat. xiiii kal. Mart. Sirmio, acc. vii id. April. Regio (50 days).

Journeys from Gaul to Italy and *vice versa* are as follows:

<i>CTb</i> VI. xxviii. 1, 379, dat. prid. non. Aug. Treviris, acc. vii id. Sept. Romae	34 days
„ VI. xxxv. 7, <i>PU</i> 367, dat. xiiii kal. Dec. Treviris, acc. iii id. Dec.	22 „
„ VI. vii. 1, <i>PU</i> 372, dat. iii non. Iul. Nasonaci, acc. iii non. Sept.	60 „
„ XI. xxix. 1, 312, dat. vi kal. Ian. Trev. acc. viii id. Feb. Regio	41 „
MGH ( <i>Ep.</i> ) III, p. 15, data xv kalendas Maias (at Ravenna, 418), accepta Arelate X kalendas Iunias	36 „

Miscellaneous journeys include Antioch to Tyre in 42 days (*CTb* XII. i. 52, 362), Noviodunum to Marcianopolis in 15 days (*CTb* x. xxi. 1, 369), Sirmium to Corinth in 32 days (*CTb* II. iv. 1, 319) and Aquileia to Salernum in 29 days (*CTb* VIII. iii. 1, 364).

77. DEFENSOR: *CTb* I. xxix. 1, 368 (S), 4, 368, *CJ* I. lv. 8, 409, Just. *Nov.* viii not. §49, 535. CURATOR: *CTb* XII. i. 20, 331. Montius' gibe to the Caesar Gallus, οὐδὲ λογιστὴν ἀντεινεν, ἔξεστί σοι προχειρίσασθαι (Philostorgius, III. 28) implies that *curatores civitatis* were officially appointed by the emperor. EXACTOR: *Chr.* I. 44. OTHER MAGISTRATES: *P. Oxy.* 2110. From Cass. *Var.* VII. 11, 12 (cf. Just. *Nov.* civ §2, 537) it appears that all *curatores* and *defensores* were appointed by the crown in Ostrogothic Italy. For *probatoria* see above n. 4, cf. *CTb* VIII. vii. 7, 356 (S) = *CJ* XII. lvii. 2, nullus iudicum quemquam sine sacra probatoria probare audeat vel provehere, *CJ* XII. xxxv. 17 (472?), neminem in ullo numero equitum vel peditum vel in quolibet limite sine nostri nominis sacra probatoria in posterum sociari concedimus, consuetudine quae hactenus tenuit antiquata, quae magisteriae potestati vel ducibus probatorias militum facere vel militibus adiungere licentiam tribuebat, ut ii tantum in numeris vel limitibus militent qui a nostra divinitate probatorias consequuntur.

78. CONSTANTINE'S LAW: *CTb* I. xvi. 3, 319, cum sex menses transcurrerint, breves omnium negotiorum ab officio tuo descripti commeent ad scrinia eminentissimae praefecturae, ut his recensitis et ad scrinia nostra perlatis pandatur quis iudicum et in quibus discingendis causis fidelem operam praestiterit. For appeals see ch. XIV, n. 26.

79. See ch. XIII, n. 99. Cf. Josh. Styl. 42, *CTb* XI. xxviii. 3, 401, post consulatum vero mansuetudinis nostrae, id est a prima indictione, in consulatum Olybrii et Proбини, omnium reliquorum exactionem suum spendi oportere censemus, donec admoniti ordinarii iudices nominatorios breves absque ulla conscriptos fraude transmittant, quibus aperte liqueat quae penes minuscularios, quae penes curiales debita, quae etiam in defectis domibus habeantur.

80. *CTb* XI. i. 13, vic. Afr., 365, placuit per singulos quosque annos reliqua eorum qui Romae consistentes in Africa possident missis brevibus indicari, eosdemque compelli ut procuratores instructos ad officium tuae sinceritatis

pro celebranda solutione transmittant. ut autem nihil de transmissione ac perversione obscuritatis oriat, tabularios praefecti annonae Africae, sed et urbis Romae, ad officium quod sollertiae tuae paret deduci praecipimus, conlaturos apud acta quid transmissum, quid perverctum sit. cuius rei indicia manere et perferri ad scrinia nostra debebunt, eo nihilo minus curando ut plena instructio ad officium inlustis praefecturae praetorianae deferatur.

81. PROVINCIAL QUADRIMENSTRUUI BREVES: *CTh* I. x. 7, 401, breves etiam quadrimenstruos ad officium palatinum noverint dirigendos, aurumque exactum ad sacras largitiones sine ulla dilatione mittatur, XII. i. 173, 410, hoc etiam observando ut quadrimenstruis quoque brevibus qui ad excellentiae tuae officium (so correctly in *CJ* x. xxii. 1) sollemniter diriguntur celebratae descriptionis dispunctio societur, vi. 27, 400, *CJ* I. xlii. 1, οἱ ἀρχόντες καὶ αἱ τοῦτων τάξεις ἀνυπερθέτως μετὰ τῆς ἀληθείας καὶ ἀκριβείας ἐκπεμπέωσαν τὰ τετραμηνιαία βρόβια, x. xxiii. 3, 468, quadrimenstruis brevibus per idoneum tractatorem eorundem titulorum super commendandis ratiociniis publicis periculo rectorum provinciarum ad sacratissimam urbem transmittendis, Cass. *Var.* XII. 2, 16. DUCAL QUADRIMENSTRUUI BREVES: *CTh* XI. xxv. 1, 393, quotienscumque quadrimenstrui breves ab apparitoribus ducianis ad sedem vestrae celsitudinis destinantur, parilis notitia provinciali quoque tradatur officio, ut priusquam ad iudicium vestrum examinanda mittantur, ibidem sub utrorumque praesentia conferantur; cf. *SEG* ix. 356, xiv, τοῖς αὐτοῖς λόγῳ τετραμηνιακῶν ὁμοίως νομισματαδ', and *CJ* I. xlii. 2 for similar *breves* from unit commanders to the *dux*. BREVIA OF MAGISTRI MILITUM: *CTh* VII. iv. 24, 398, excellentia tua erogationis per susceptores factae modum quantitati brevium conferri perficiat, ita ut ex quo die numeris datum sit diligentius exploretur, ac si quid amplius actuarios vel optiones accepisse constiterit quam brevium datorum scriniis nostris veritas continet, memorati in duplum reddere compellantur . . . nam ad inlustres quoque magistros utriusque militiae sacri apices cucurrerunt, quibus provida sanctione decrevimus ut breves ante indictionis principium summa fide ac veritate confecti ad nostra scrinia dirigantur, secundum quos a susceptoribus erogatio celebretur.

82. See ch. XIII, n. 98 (*canonicarii*), ch. XIII, n. 59 (*palatini*) ch. XIX, n. 106 (*discussores*). JULIAN: *Amm.* xvii. iii. 6 (cited above in n. 18).

83. See pp. 128-9, 174-5, 579, 593, 597.

84. GRATIAN'S LETTER: *Coll. Avell.* 13 §§1, 7, nostrorum videlicet iudicum socordia fretus, qui privatae gratiae imperialia praecepta condonant et religionem quam nos iure veneramus, quia fortasse ipsi neglegunt, inquietari patienter accipiant, cf. also *Sirm.* 14, 409, dubium non est coniventia iudicum fieri et culpabili dissimulatione inultum relinqui quod ad turbendam quietem publicam in contemptum Christianae religionis, quam debito cultu veneramus, sub publica testificatione commissum addiscimus et pariter non punitum.

85. The story is reconstructed by R. G. Salomon in *JEA* xxxiv (1948), 98 ff. The documents are published in this article and in *JEA* xv (1929), 96-102, and *P. Cairo*, 67029.

86. *V. Porph.* 26-7, 51.

87. Th. II, *Nov.* xvii. 2 §3, 444, sed vir inlustis quidem cuiuscumque temporis quaestor, si oblatae petitioni subscripserit vel etiam responsum dederit, virque inlustis comes rerum privatarum, si vel inlustri permiserit vel petitionem si qua insinuetur admisit, indignationem nostri numinis sustinebunt ceterisque

fient vindictae temeritatis exemplum. memoriales vero, qui excipienda eiusmodi rescripta vel implenda curaverint, et palatinos, qui instruxerint vel gesta admissae petitionis ediderint, bonorum proscriptione puniri decernimus; Val. III, *Nov.* xix §3, 445, vir spectabilis magister scrinii, qui interdicta supplicantibus responsa praeberit, quinque librarum auri multam sacro aerario nostro cogatur inferre. memorialis quoque cuiuslibet scrinii, qui adversum vetita rescriptum fuerit executus, spoliatus militia quinquennii relegatione plectatur. Cf. *CJ* iv. lix. 1 (Leo against the grant of monopolies), 1. xxiii. 7 (Zeno on the issue of rescripts). For the prior annulment of rescripts contrary to law see, for example, Th. II, *Nov.* v. 2 §1, 439, legis temeratores quinquaginta librarum auri poena coercentes, tam videlicet petitozem quam officium quod petitionem concedit admitti, licet adnotatio nostra, licet divina pragmatica contra vetitum proferatur, vi §4, 438, quod si ulla processerit instructio, non sacra adnotatio, non divina pragmatica habeat locum contra generalem nostri numinis sanctionem, viii pr., 439, xvii. 1 §3, 439, xvii. 2 §5, 444.

## XIII. FINANCE (pp. 412-13)

For the *res privata* the best comprehensive book is R. His, *die Domänen der Römischen Kaiserzeit*, Leipzig, 1896. For the *largitiones* I have derived much help from an unpublished thesis by my former pupil J. P. C. Kent, 'The office of the *comes sacrarum largitionum*' (London, 1951). On the financial role of the praetorian prefecture I have found no substantive work except on the assessment and levy of the *ingatio* and *capitatio*, on which the best and most recent book is A. Déléage, *La Capitation du Bas-Empire*, Macon, 1945.

1. The evidence as to title is ambiguous; *FIR* 1<sup>a</sup>. 94 (314), super itaque omnibus tam ad praefectos nostros quam etiam et praesides et rationalem et magistrum privatae scripta direximus, *CIL* III. 12044 = 13569, tam praefectis nostris quam etiam praesidibus provinciarum, rationali quoque et private magistro, *ILS* 1214, rationali privatae, *CTh* VIII. vii. 6 (probably Constantine), de largitionalibus comitatensibus et officialibus rationalis rerum privatarum. The earliest attested *comes* is Orion, *CTh* x. x. 8, ad Orionem com. r.p., 346 (S), cf. xiv. 2, Orioni v.c., 348. In *CTh* x. viii. 2, ad Priscum rationalem, 319, ne principali liberalitate praeventa dominium quis rei alienae affectet, iubemus, quotiens iure suadente aliquorum bona ex officio tuo fuerint occupata, breves eorum plenissimos ad virum perfectissimum comitem et amicum nostrum mitti, the reference is to the *CRP*. OFFICIUM: *Not. Dig. Or.* xiv, *Occ.* xii: that the first *scrinium*, to which the *primicerius* and *secundicerius totius officii* belonged, was the *exceptores* is proved by *CTh* VI. xxx. 5, 383.

2. DIOCESAN MAGISTRI REI PRIVATAE: P. Beatty Panop. 1, lines 205, 227, *Chr.* I. 178, τοῦ διασημοτάτου μεγίστου τῆς προιανάτης, (Egypt), *CTh* x. i. 4, ad Dometium Dracontium mag. privatae rei Afric., 320 (cf. xi. xix. 1, ad Dometium Dracontium, 324), *CIL* III. 18, Val. Epifanius v.p. mag. privat. Aeg. et Lib. (Constantine), Ath. *Apol. Const.* 12, καὶ Πονφίνος καὶ Στέφανος, ὃν ὁ μὲν καθολικός, ὁ δὲ μάγιστρος ἦν ἐκεῖ (in Egypt c. 350). *Magistri (rei privatae)* are often thus linked with *rationales (rei summae)*, e.g. Lact. *Mort. Pers.* vii. 4, *CJ* III. xxii. 5, 294, *CTh* x. i. 2, 319, XII. i. 14 (326-54), Firm. *Mat. Math.* iv. xxi. 9. It is

impossible to trace the change of title from *magister* to *rationalis*, for from an early date *rationales* appear to deal with matters concerning the *res privata*, e.g. *CJ* x. x. 1, 292, *CTh* x. viii. 1, 313, xi. 1, 317, i. 2, 319, viii. 2, 319, xii. vi. 2 + vii. 1, 325, II. xxv. 1 (325). LIST OF RATIONALES REI PRIVATAE: *Not. Dig. Occ.* xii. 6-16; for their judicial powers see p. 486, for *Caesariani*, p. 600.

3. PROCURATORES: *Not. Dig. Or.* xiv. 7, *Occ.* xii. 17-25. EGYPT: *P. Oxy.* 2267, complaints of an *ἐπίτροπος τῶν δεσποτικῶν κτήσεων νομοῦ Ὁξυρυγχίτου καὶ Κυνοπολίτου ἄνω* (these two cities were often combined for fiscal purposes, cf. *P. Oxy.* 1909) against Diodotus τοῦ γενομένου καθολικοῦ τῶν δεσποτικῶν πραγμάτων (the *rationalis rei privatae Aegypti*), mentioning Evagrius, ὁ λαμπρότατος κόμης τῶν δεσποτικῶν (*CRP* 361, *Amm.* xxii. iii. 7). See *Chr.* i. 179 for another *ἐπίτροπος δεσποτικῶν κτήσεων* under a διασημότατος καθολικός. Under Diocletian there was a provincial *procurator rei privatae* (*P. Beatty Panop.* 1, line 365, ὁ κράτιστος ἐπίτροπος πριονάτης Θηβαίδος). In Africa Constantine authorised payments παρὰ Ἡρακλείδα τοῦ ἐπιτρόπου τῶν ἡμετέρων κτημάτων; the area under his control is not stated (*Eus. HE* x. 6).

4. *Procuratores* are coupled with *rationales* in *CTh* xi. vii. 11, 365, x. ii. 1, 378, with *actores* in x. iv. 1, 326 (S), with *conductores* in xvi. v. 21, 392. They are also mentioned in xi. xvii. 1, 367, i. xxxii. 7, 388, xvi. x. 13, 395, x. i. 17, 420. Cf. also x. xxv. 1, 406, *procuratores per singulas quasque provincias nobilissimarum puellarum filiarum mearum*, and *Th.* II, *Nov.* xxiii, 443, a *procuratore divinae domus*, and *P. Oxy.* 1973, ἐπιτρόπῳ τῆς θειοτάτης οἰκίας (A.D. 420). GILDO'S ESTATES: *Not. Dig. Occ.* xii. 5, comes Gildoniaci patrimonii.

5. *Actores rei privatae* are associated with *procuratores* in *CTh* x. iv. 1, 326 (S), with *conductores* in xi. xvi. 12, 380, i. xi. 2, 398. They are subordinate to *rationales* in i. xi. 2, II. i. 11, xi. xix. 4, 398. They are also mentioned in i. i. 1 + xi. vii. 6, 349, x. iv. 2, 365, xii. xix. 1, 400, vii. xviii. 12, 403, *Maj. Nov.* ii §4, 458, and in *FIR* 1<sup>2</sup>. 108.

6. BASTAGA PRIVATA: *Not. Dig. Or.* xiv. 5, *Occ.* xii. 28-9. Cf. *SPP* xx. 82, which speaks of τὴν ὀχλήσιν τὴν τῶν βασταγαρίων, which is expected τοῦ κυρίου μου καθολικοῦ ἐπιδημεῖν μέλλοντος τῇ πόλει; this may equally well refer to the *bastaga* of the *largitiones* GYNAECIA REI PRIVATAE: *Not. Dig. Occ.* xii. 26-7. PRAEPOSITI GREGUM ET STABULORUM: *Not. Dig. Or.* xiv. 6; see pp. 671, 706 for imperial horses.

7. COLLECTION OF RENT BY RATIONALES, ETC.: *CTh* xi. xix. 1 and *CJ* xi. lxii. 2, Dracontio, 321 (Dracontius was *magister rei privatae Africae*, cf. *CTh* x. i. 4, 320), *CTh* xii. vi. 2, 325, xi. vii. 1, 313 (S), v. xv. 20, 366. THEODOSIUS' LAW: *CTh* v. xiv. 31, 382 (S) saltuenses fundi iurisque patrimonii in Orientis regionibus siti turbata exactione dispositionis annuae maximo dicuntur dispendio fatigari et inmanissima opprimi mole reliquorum, eo, quod ad ordinarios sollicitatio transducta latiore depraedandi praebeuit facultatem. inlustis itaque auctoritas tua memoratos fundos ad rationalium curam praecipiat revocari. Cf. *CJ* xi. lxvi. 4 (383). VALENTINIAN II'S LAW: *CTh* i. xi. 2, 398, divinae memoriae Valentiniano iuniori subreptum est, ut ordinariorum iudicum officiis actores seu conductores dominicos conveniendi licentia negaretur; et idcirco ad rationales privatae rei exigendorum fiscalium debitorum ex illo tempore cura translata est. HONORIUS' LAW: *CTh* i. xi. 1, 397, manentibus fideiussorum atque subsignationum meritis et possessoribus in eadem, qua nunc habentur, conductione durantibus ad palatinorum curam et ad rationalium officia omnium rerum nostrarum et totius perpetuarii iuris exactio revertatur

nihilque omnino de exactione reddita, hoc est perpetuarii iuris vel sacratissimae domus, ad ordinarios iudices pertineat. COMES ORIENTIS: *CTh* I. xiii. 1, 394, in officio comitis Orientis non amplius quam DC apparitores habeantur, quos quidem publicis necessitatibus adeo novimus abunde suppetere, ut per eos patrimonialium per Orientem possessionum maturetur exactio. PROVINCIAL GOVERNORS: *CTh* VIII. viii. 5, 395, *CJ* XI. lxv. 5, 399, *CTh* I. v. 13, 400, XI. vii. 17, 408, *Maj. Nov.* vii §16, 458.

8. For the temple and civic lands, see pp. 732-3.

9. AFRICA: *CTh* XI. xxviii. 13, 422. For the *regiones*, etc., see ch. XIX, n. 4. CAPPADOCIA: Just. *Nov.* xxx pr., 536, γῆ τε αὐτοῖς ἐστὶ πολλή τε καὶ θαυμαστὴ καὶ οὕτως ἀρέσασσα τῇ βασιλείᾳ, ὥς καὶ ἀρχὴν ἐπιστήσαι ταῖς ἐκεῖσε κτήσεσιν ἰδίαν, τῆς πολιτικῆς ἀρχῆς οὐκ ἐλάττω, μᾶλλον μὲν οὖν καὶ μείζω (πολιτικῆς of the better Greek MSS is to be preferred to the 'Ponticae' of the *authentica*). If the office of *comes domorum* was more important than that of the *praeses*, the area of the land must have been considerably greater, for the *praeses* was responsible for Caesarea.

10. Theod. *Ep.* (PG) 42, τοῦτο τῆς χώρας τὸ μέτρον πέντε μὲν μυριάδας ἔχει ζυγῶν ἐλευθερικῶν, μύρια δὲ πρὸς τούτοις ἕτερα ταμιακά. The total assessment was actually 62,000 iuga (see *Ep.* 47). For Avidius Cassius see SHA, *Ant. Phil.* 25, *Avidius Cassius*, 7.

11. FUNDI IURIS TEMPLORUM: *CJ* XI. lxx. 4 (397), *CTh* x. x. 32, 425, *CJ* XI. lxii. 14, 491. FUNDI IURIS REI PUBLICAE: *CTh* x. iii. 2, 372, *CJ* XI. lxxi. 2, 4 (383), 3 (395), lxii. 7, 386: both are coupled in *CTh* x. iii. 4, 383, *CJ* VII. xxxviii. 2, 387, *CTh* x. x. 24, 405, XI. xx. 6, 430, *Marc. Nov.* ii §1, 450. R. His (*Die Domänen der Römischen Kaiserzeit*, 17 ff.) tries to distinguish *fundi patrimoniales* from *rei privatae* but fails to establish his case.

12. Just. *Nov.* xxx §2-4, 536, *CTh* x. i. 11 (= XII. vi. 14), 367, ut perspicue colonorum utilitatibus consulatur, decima indictione singulas tantum dependant centesimas, qui redditus domui nostrae debitos quodannis iuxta consuetudinem arcariis tradunt.

13. SHORT TERM LEASES: *CJ* XI. lxxi. 5 §6-7 (429), sane si quis non perpetuo iure sed ad tempus locatam ab illustri viro comite rerum privatarum possessionem videtur adeptus, non erit obstaculo principali largitati, si voluerit in alterum donatione transferre quod ad definitum tempus alter forte conduxit. si vero pro tali praedio ab altero conductore offeratur augmentum, sit in arbitrio conductoris prioris, cui res ad tempus locata est, ut si ipse quod alter adiecit obtulerit, maneat penes eum temporalis illa conductio; cf. *CJ* XI. lxvi. 3 (377), vel iure perpetuo vel titulo conductionis, lxxi. 3 (395), loca omnia fundive rei publicae propositis prius licenter edictis dehinc, ubi in eum canonis modum contententium augmenta succreverint, ut extendi ultra aut superari alterius oblatione non possint, perpetuariis conductoribus locentur, lxxi. 4 (398-9), congruit aequitati ut veteres possessores fundorum publicorum novis conductoribus praeferantur, si facta per alios augmenta suscipiant.

14. Perpetual leases were an old institution on civic lands, see Gaius, III. 145, *Dig.* VI. iii. Emphyteutic tenures were also of long standing on private, civic and imperial lands, but the technical term is not surely attested until Constantine (*CTh* xv. iii. 1, 319, *CJ* XI. lxii. 1, 313 (S), lxiii. 1, 319). By Justinian's time the two concepts were synonymous, and *emphyteusis* the usual word; see *CTh* I. xi. 1 (= *CJ* I. xxxiii. 2), perpetuarii <id est emphyteuticarii> iuris,

*Dig.* vi. iii, si ager vectigalis <id est emphyteuticarius> petatur, *CJ* v. lxxi. 13 (293), vectigale vel patrimoniale <sive emphyteuticum> praedium. For private emphyteutic leases see ch. XX, nn. 46-7.

15. For *emphyteusis* in Constantine's time see above, n. 14. HONORIUS' LAW: *CJ* xi. lxxi. 3 (cited in n. 13). OSTROGOTHIC ITALY: Cass. *Var.* vi. 8, habes quoque per provincias de perpetuario iure tributorum non minimam quantitatem.

16. INSECURITY OF PERPETUAL LEASES: *CTh* v. xv. 15, 364, enfyteutica praedia, quae senatoriae fortunae viris, praeterea variis ita sunt per principes veteres elocata, ut certum vectigal annuum ex his aerario penderetur, cessante licitatione, quae recens statuta est, sciat magnifica auctoritas tua a priscis possessoribus sine incremento licitandi esse retinenda, 16, 364, nequaquam enfyteuticos fundos ante commissi vitium ad alterum transire debere sancimus, *CJ* xi. lxii. 3, 365, quicumque possessiones ex emphyteutico iure susceperint, ea ad refundendum uti occasione non possunt, qua adserant desertas esse coepisse, tametsi rescripta per obreptionem meruerint. sed nec avelli eas ab his posse, nec si licitatio ab alio fuerit promissa, sed eas in perpetuum apud eos qui eas susceperint et eorum posteritatem remanere, nec si super hoc rescriptum fuerit adversus eos impetratum, *CTh* v. xiv. 33, 393, ius enfyteuticum, quo iuris patrimonialis vel rei publicae praedia possessoribus sunt adiudicata perpetuariis, ita inconcussum cum nostris tum maiorum nostrorum iussibus esse retinemus, ut, quod semel traditum fuerit, nec a nobis umquam possit nec ab alio aliis possidentibus occupari.

17. *CJ* xi. lxxi. 5 pr. §§1-4 (429).

18. *CJ* xi. lxxi. 5 §5-6 (429).

19. IUS PRIVATUM SALVO CANONE: *CJ* xi. lxii. 4, 368, fundi patrimoniales et qui ex emphyteutico iure ad domum nostram diversis generibus devoluti sunt, sic eis qui eos poposcerint cedant ut commissi metus esse non possit. neque enim magis commodamus nostra quam tradimus ea iure dominii, ita tamen ut ea quae in nostra possessione positi praestiterint et in posterum dissolvant, *CTh* v. xiii. 4 (368), provincialium opibus rei privatae possessiones concedimus, videlicet, ut de fundis ad eius dominium pertinentibus eligat unus quisque quem velit eumque perpetuo iure suscipiat, . . . si quis autem in annis singulis non solverit debitum, ex re ipsius cetera, quod in reliquis remansisse claruerit, sine aliquibus dependere cogetur indutiis. sane si quem postea minus idoneum factum esse constabit nec ita ut expedit rationem reddere pensionis, res, quas ex nostris rebus acceperat, ad alium idoneum iure quo sanximus transferentur: nec tamen decoctoris cuiusque reliquis qui novus accedit onerari, *CTh* v. xiv. 30, 386, quicumque defectum fundum patrimoniale exercuerit instruxerit fertilem idoneumque praestiterit, salvo patrimoniali canone perpetuo ac privato iure defendat velut domesticum et avita successione quaesitum sibi habeat, suis relinquat, neque eum aut promulgatione rescripti aut reverentia sacrae adnotationis quisquam a fructu impensi operis excludat, *CTh* v. xiv. 34, 394, qui fundos patrimoniales iure privato salvo canone susceperunt, *CJ* xi. lxii. 9, 398, universi cognoscant nihil privato iure salvo canone fundis emptis cum patrimonialibus esse commune, ita ut ad eos numquam patrimonialium fundorum peraequator accedat, 10, 399, fundos patrimoniales eos dumtaxat qui salvo canone iure privato nostra liberalitate concessi sunt cum his patrimonialibus qui in condicione propria constituti sunt, illustris auctoritas tua iubebit exaequari, *CTh* v. xii. 2,

415, nulli penitus liceat sive salvo canonis servato iure sive cum imminutione canonis patrimonialis vel limitotrofos sive saltuenses per Orientem vel fundos patrimoniales postulare, Th. II, Nov. v. 2, 439, praecipimus itaque nulli iam in posterum licere patrimoniales seu limitotrofos vel saltuenses fundos qui per tractum Orientis positi sunt ad ius transferre privatum sive dempto sive salvo canone iuris fundorum immutatio postuletur. The grant of *ius privatum dempto canone* (CTb XI. xx. 5, 424, Th. II, Nov. v. 2, 439), which was equivalent to an outright sale or gift, was forbidden in 440 (Th. II, Nov. xix). MANUMISSIONS: CJ XI. lxiii. 2, 367, libertates quas mancipiis ex fundis patrimonialibus atque emphyteuticis qui fundorum non sunt domini praestiterunt, rationales huiusmodi praecepti auctoritate rescindant, lxii. 12, 434, licentia eis concedenda etiam libertates mancipiis ex fundis patrimonialibus atque emphyteuticariis, cum fundorum sunt domini, praestare (this law refers to tenants who have obtained *ius privatum* by purchase or grant). On forfeiture upon *commisum* (failure to pay the rent at the due time) see the laws cited in note 16 and CTb v. xv. 18, 368, quotienscumque enfyteutici iuris praedia in vitium delapsa commissi actis legitimis ac voci fuerint subicienda praeconis, super facto licitationis et augmento nostra perennitas consulatur, nec prius eius dominio, qui ceteros oblatione superavit, perpetuae firmitatis robur accedat, quam si super pensionis modo, conductoris nomine, enthecae quantitate nostrae tranquillitatis arbitrium fidei ratione consultum observanda praescriberit. Contrast v. xiii. 4 (cited above) for the security of tenure under *ius privatum salvo canone*.

20. For Valentinian's laws see n. 19. THEODOSIUS II: CTb v. xii. 3, 434: Possessores vel enfyteuticarii patrimoniales, qui fundos minime nunc usque conpararunt, eodem largitatis modo nequaquam ad eorum conparationem urgeantur, sed tamquam pretiis depensis sic eis nostri numinis beneficio potiantur, ut, quod iuris alter inferendo pretium consecutus est, hoc nostra liberalitate praedictus enfyteuticarius habeat.

21. RENTS: CTb XI. xvi. 1, 318 (S), patrimoniales fundos extraordinariis oneribus vel mediae aut tertiae portionis obsequiis fatigari non convenit, cum eosdem et auri speciem et frumenti plurimum modum constet persolvere, ita ut qui violare statuta temptaverit puniatur, CJ XI. lxii. 2 (321), patrimonialis fundi persolutionem aurariam sive frumentariam intra tempus omissam minorum dominio non nocere praecipimus nec ad fraudem iuris eorum evadere si quod sollemniter debetur paulo serius inferatur, CTb XII. vi. 2, 325, pro multis etiam et in diversis locis constitutis liceat simul auri pondus inferre, ita ut pro omnibus fundis securitas emissis cautionibus detur, ne separatim ab unoquoque auro exacto multis et adsiduis incrementis provincialium utilitas fatigetur. hoc quoque addimus, ut unusquisque quod debet intra anni metas, quo tempore voluerit, inferat, XI. xix. 3, 364, ab enfyteuticariis possessoribus annonariam quidem solutionem per quattuor menses ita statuimus procurari, ut circa ultimos anni terminos paria concludantur; aurum vero non ex die X kal. Dec. in prid. kalendarum Ianuariarum, sed per annum solidum, prout quisque pendere potuerit, inferetur, v. xv. 20, 366, placuit, ut enfyteuticorum fundorum patrimonialiumque possessores, quo voluerint, quo potuerint tempore et quantum habuerint pensionis paratum, dummodo non amplius quam in tribus per singulos annos vicibus, officio rationalis adsignent ac de suscepto ab eodem securitatem eodem die pro more percipiant, modo ut intra Ianuariarum iduum diem omnis summa ratiociniis publicis inferatur, XI. xvi. 13, 382, quandoquidem neque aurario canoni sub privilegiis aestimato aliquid ex ea iubentibus nobis praebitionum diversitate decutitur et pari cum

ceteris aestimari sorte non convenit quos praeter annonarias functiones aestimata perpetuo pensionum praerogativa nexuerint. For silver see Val. III *Nov.* xiii pr. 445, ita ut praedia domus divinae, quae a perpetuariis detinentur, simili modo octavam partem inferant etiam argentariae functionis. LAND TAX: *CTh* xi. xvi. 2, 323, ab extraordinariis omnibus fundi patrimoniales adque enfyteuticarii per Italiam nostram constituti habeantur immunes, ut canonica tantum et consueta dependant ad similitudinem per Africam possessorum, xi. xix. 2, 362, 3, 364, v. xiii. 4 (368), capitationis aut canonis, *CJ* xi. lxxv. 2 (370), rem privatam nostram levandorum provincialium causa canonicas necessitates ea condicione qua cunctos volumus sustinere, *CTh* v. xiv. 30, 386, tributa et canonem, *CJ* xi. lxxiv. 3 (404), *CTh* x. iii. 7, 417. It appears from *CTh* xi. i. 1 that in 360 the *res privata* did not pay the regular *canon* but it is implied by xi. xvi. 9 and xi. xix. 2 that in 359 and 362 it did pay. EXTRA-ORDINARIA, ETC.: *CTh* xi. xvi. 1, 318 (S), 2, 323, 5, 343, 9, 359, 12, 380, 13, 382, 17, 385, 20, 389 (S), xi. i. 36, 431; *CTh* xi. xix. 4, 398, is exceptional. ROADS: *CTh* xv. iii. 1, 319, 4, 399, 6, 423. RECRUITS: *CTh* vii. xiii. 2, 370, domum nostram ad exhibenda tironum corpora per eas provincias, a quibus corpora flagitantur, nolumus perurgueri: ceterum sinimus conveniri, in quibus pretia postulantur, ita ut ex certa praebitione redituum vicem concessionis istius repensemus, xi. xvi. 12, 380, vii. xiii. 12, 14, 397.

22. STATUS OF LESSEES: *CTh* v. xv. 15, 364, enfyteutica praedia, quae senatoriae fortunae viris, praeterea variis ita sunt per principes veteres elocata . . . x. v. 1, 398, quidquid divi parentis nostri Valentiniani senioris iussio de fundis privatae rei continebat, nostra etiam auctoritate firmamus. ut igitur ille praeceperat, ne consistoriani comites fideiussores in suscipiendis possessionibus darent, quod etiam divus Gratianus secutus est, custodiri oportet, x. iii. 2, 372, curialibus omnibus conducendorum rei publicae praediorum ac saltuum inhibeatur facultas: illo etiam observando, ne quis curialium vel de extraneis civitatibus fundos aut loca huiusmodi conductione suscipiat, *CJ* xi. lix. 5 (376-8), *CTh* x. iii. 4, 383, vel si voluntarius quis conductor non invenietur, tunc ad possessores antiquos, id est decuriones vel quoslibet alios, loca iuris praedicti adiunctis inutilibus revertantur. For cities leasing their lands to their decurions see Lib. *Or.* xxxi. 16, 17.

23. GIFTS AND BEQUESTS TO THE CROWN: *Liber Pont.* xxxiv, possessio Sybilles, donata Augusto; possessio Timialica, donata Augusto Constantino ab Ambrosio; possessio Agapi, quod donavit Augusto Constantino; possessio quod donavit Constantino Aug. Hybromius; possessio Hercoli quod donavit Augusto, Zonaras, xii. 1, *ὅθεν νομίζεται καὶ μέχρι τοῦδε ταῖς διαθήκαις ἐγγράφεσθαι ὅτι καὶ τῷ βασιλικῷ ταμεῖω καταλιμπάνω τόδε*. Cf. Malalas, 439-40, for an estate bequeathed to Justinian, the liabilities of which exceeded its assets.

24. NAVICULARII: *CJ* vi. lxii. 1, 326. DECURIONS: *CTh* v. ii. 1, 319, *CJ* vi. lxii. 4, 429. SOLDIERS: *CTh* v. vi. 1, 347. COHORTALES: *CJ* vi. lxii. 3, 349. FABRICENSES: Th. II, *Nov.* vi, 438. CLERGY: *CTh* v. iii. 1, 434.

25. BONA VACANTIA: *Symm. Rel.* 41.

26. REVOCATION OF THE LEX PAPIA POPPAEA: *CTh* viii. xvi. 1, 320. MANICHEES, ETC.: *CTh* xvi. v. 7, 381, 9, 382, 17, 18, 389, 25, 395, 40, 407, 49, 410, 58, 415, 65, 428, *CJ* I. v. 15, 17, 18 §3 (527-9), 19, 529, 22, 531.

27. BONA DAMNATORUM: *CTh* ix. xlii. 2, 356, 4, 358, 6, 364, 8+9, 380, 24, 426.



28. PENAL CONFISCATION: *CTh* VII. XVIII. 4, 380, 5, 381, 6, 382, 7, 383, 12, 403 (deserters), XVI. V. 3, 372, 4, 376, 8, 381, 12, 383, 21, 392, 30, 402 (S), etc. (heretical services), XVI. X. 12 §2, 392, *CJ.* I. XI. 8 (472) (pagan rites), *CTh* IX. XXI. 2, 321, 4, 329 (coining).

29. PENALTIES ON DELATORES: *CTh* X. X. 1, 313, 2, 312 (S), 3, 335, 4, 338, 8, 346 (S), 10, 365, 19, 387. PENALTY FOR THIRD INFORMATION: *CTh* X. X. 12, 380, 13, 380, 28, 418.

30. CONSTANTINE'S LAW: *CTh* X. X. 3, 335, omnes iudices invigilare praecipimus et delatores poenis adficere. apertissimi enim iuris est, ut, quod ex cuiuscumque patrimonio ceciderit in casum, et legibus et retro iuris ordine fisci advocatis agentibus vindicetur. RULES FOR PETITIO: *CTh* X. X. 7, 345, 8, 346 (S), qui largientibus nobis aliquid fuerint consecuti, cum delatoribus suis ad iudicia veniant, in iure consistent, negotia persequantur, ut adseveratio delatorum prodat fisco debitas facultates, 9, 364, 12, 380, qui cum ex praesenti die ut caducas poposcerit facultates ex consensu nostrae liberalitatis acceperit, non ante allegare rescriptum, non prius obtinere sententiam, non denique effectum executionis debet accipere, quam eum iudiciis introducat, a quo sibi id quod poposcerit delatum adserit esse patrimonium, 27, 418 (S), Th. II, *Nov.* XVII. 1, 439. BONA DAMNATORUM: *Amm.* XVI. VIII. 11, inflabant itidem has malorum civilium bucinas potentes in regia, ea re ut damnatorum petita bona suis adcorporarent, *CTh* X. X. 15, 380, quisquis in crimine maiestatis deprehensus fuerit et punitus bonaque eius, sicut plectendi consuetudo criminis habet, fiscus invaserit, nullus easdem sub spe munificentiae principalis audeat proprio iuri poscere. qui contra legem id ausus fuerit sperare quod non licet, reus violatae legis habeatur. sed quoniam plerumque ita in nonnullis inverecunda petentum inhiatione constringimur, ut etiam non concedenda tribuamus, ne rescripto quidem nostro adversum formam latae legis loci aliquid relinquatur. si quid autem ex bonis talibus nostro iudicio, nullo tamen desiderante atque poscente, concedi cuiquam voluerimus, huiusmodi tantum valeat liberalitas, 23, 401, ne quis proscribtorum bona vel eorum, qui publicam videntur excepisse sententiam, intra biennium aestimet postulanda. abstineant facultatibus intra id temporis expetendis, ut aut proprias quis recipiat, si, ut nobis ingentum est, duriores casus et tristiores fortunam imperatoria humanitate molliamus, aut tum demum postulet, cum iam fiscalem potius quam proscribtorum expetisse noscatur, 29, 421, nullum patimur competitioni subiacere viventem, nisi quem crimini obnoxium capitalis sententia deportationi addixerit, ut ademptio facultatum poenam praemissae indignationis adcumulet. de quibus tamen, sicut divali sanctione decretum est, competi per biennium nihil iubemus. In *Symm. Ep.* V. 54, 66, there is a good instance of a form of vexatious *petitio*, the claim, long after the event, that property in private hands had originally been part of a confiscated estate.

31. GILDO: *CTh* IX. XLII. 16, 399, 19, 405. Cf. VII. VIII. 9, 409, *Not. Dig. Occ.* XII. 5. STILICHO: *CTh* IX. XLII. 20-22, 408. HERACLIAN: *Olymp.* 23. Rufinus' estates were apparently kept by the crown (*CTh* IX. XLII. 14, 396). Of the estates confiscated by Tatian some were in 393 in the possession of the crown, but others had been granted to petitioners (*CTh* IX. XLII. 13).

32. COLLATIO DONATARUM POSSESSIONUM: *CTh* XI. XX. 1, 363, admodum nobis videtur absurdum et a nostrorum temporum tranquillitate submotum, ut ii, qui proscriptionis sortem pertulerunt, ad exemplum eorum, qui fundos donatos sacra liberalitate tenuerunt, auri atque argenti conlationi redderentur obnoxii, quae sub divae memoriae Constantio adscripta est, cum multum intersit inter

eum, qui principali munificentia perfruitur, et eos, qui propria recuperare meruerunt, 2, 364, 1 eos, qui rem paternam vel suam a fisco recuperare meruerunt, a conlatione auri atque argenti, quae adscribita est et his, qui aliquid a sacra liberalitate meruerunt, tutos defensosque servari praecipimus. SPECIAL LEVIES: *CTh* XI. XX. 4, 423, 5, 424.

33. *CTh* X. X. 32, 425, *Th.* II, *Nov.* xvii. 2, 444.

34. SALES OF STATE PROPERTY: *CTh* X. I. 2, 319, V. xiii. 1+2, 341, X. II. 1, 378, rationales vel ordinarii iudices earum domorum, quas procuratorum nequitia et rationalium negligentia labi patitur in ruinas, instituant auctionem hastis habitis ex licitatione currente, 2, 398, ne domus ad nostrum patrimonium pertinentes, quae sunt in diversis urbibus, ex negligentia nostro aerario adferant detrimentum, omnes licitatione habita volumus venundari, V. XVI. 32 (408-11), ne omni patrimonio domus aeternalis venditionibus denudetur, praeceptione praeteriti temporis antiquata distractionem volumus conquiescere, atque in domo aeternali universa praedia, quae ex promulgatae auctoritatis die reliqua fuerint, retineri.

35. CONSTANTINE: Eus. *HE* X. 6, ἔδωκα γράμματα πρὸς Οὐρσον τὸν διασημότατον καθολικὸν τῆς Ἀφρικῆς καὶ ἐδήλωσα αὐτῷ ὅπως τρισχιλίους φόλλεις τῇ σῇ στερεότητι ἀπαριθμῆσαι φροντίσῃ. ARCADIUS: *V. Porph.* 54, εὐθέως δὲ καὶ ὁ βασιλεὺς ἐκέλευσεν τοῖς ἐπάρχοις ληγατεῦσαι αὐτοῖς ἀπὸ δημοσίων Παλαιστίνης ἀνὰ χρυσοῦ λίτρας κ' (cf. below, τὴν ληγατιῶνα τῶν τεσσαράκοντα λίτρων). VALENTINIAN III: *CTh* XI. I. 36, 431, excepto patrimonio pietatis nostrae, cuius quidem reditus necessitatibus publicis frequentissime deputamus. . . .

36. RES PRIVATA OF THE EMPRESS: *CJ* XII. lix. 10 §3 (472), palatinorum rerum privatarum partis Augustae, X. xxxii. 64 (475-84), comitum privatarum nostrae vel Augustae partis, III. xxiv. 3 (485-6), cui nostra serenitas . . . res privatas nostrae pietatis vel serenissimae Augustae nostrae coniugis gubernandas iniunxit, X. xxxii. 66 (497-9), comitis privatarum nostrae vel piissimae Augustae partis. COMES PATRIMONII: *CJ* I. xxxiv. 1, τῆς ἰδικῆς ἐφευρεθείσης οὐσίας τῷ δημοσίῳ ἢ ἐφευρεθισομένης προβεβλήσθω ἢ καλεῖσθω κόμης τῆς ἰδικῆς κτήσεως κατὰ μίμησιν τοῦ κόμητος τῆς ἰδικῆς περιουσίας αὐτὴν διοικῶν πᾶσι τοῖς ὑπ' αὐτὸν οἰσι γεωργοῖς ἢ παροίκοις ἢ ἐμφυτευταῖς τῶν αὐτῶν ὄντων προνομίων, ὧν οἱ ὑπὸ τὸν πρᾶιπόσιτον καὶ τὸν κόμητα τῶν οἰκείων ἀπολαύουσι, καὶ παρὰ μόνῳ κόμητι τοῦ τῆς ἰδικῆς κτήσεως κινεῖτωσαν καὶ ἐναγέσθωσαν. οἱ δὲ τοῦ τῆς ἰδικῆς κτήσεως ταξεῦται τοῦ κόμητος τῆς ἀπανταχοῦ ἰδικῆς περιουσίας ἐχέτωσαν προνόμια, Joh. Lydus, *Mag.* II. 27, ὁ λεγόμενος πατριμόνιος, ἀντὶ τοῦ φύλαξ τῆς ἰδίας πῶς ἀνηκούσης τῷ βασιλεῖ καὶ τυχὸν ἐκ προγόνων περιουσίας, δι' καὶ αὐτὸν οὐ πρὶν ἀριθμοῦμενον Ἀναστάσιος ὁ πάντα ἐμφρων ἀνεστήσατο, διάκρισιν ὥσπερ εἰώθει περινοῶν τοῖς πράγμασιν ὅπως μὴ συγκύσει κάμνοιν, *Proc. HA* xxii. 12, κὰν τοῖς παλατινοῖς οἱ δὴ ἀμφὶ τε τοὺς θησαυροὺς καὶ τὰ περιβᾶτα καλούμενα τό τε πατριμόνιον ἐπιτελεῖν αἰετὴν ὑπουργίαν εἰώθασιν, cf. Malalas, 398, ὁ δὲ αὐτὸς βασιλεὺς ἐκούφισε τὴν λειτουργίαν τοῦ λεγομένου χρυσαργύρου πᾶσαν διαιωνίζουσαν ἀπὸ θεοῦ τύπον, ἣτις ἐστὶ μεγάλη καὶ φοβερὰ φιλοτιμία, ἀντεισάξας ταῖς θείαις λαργιῶσι πρόσδοδον ἀντ' αὐτοῦ ἐκ τῶν ἰδίων αὐτοῦ. I reject Stein's view that the *patrimonium* was abolished by Justinian: see *Historia* II (1954), 357-9.

37. VALENS: *Them. Or.* VIII. 112 c. JUSTIN II AND TIBERIUS: *Greg. Tur. HF* IV. 40, V. 19. For regular *petitiones* by palace officials see *Amm.* XXII. iv. 9, interrogatus tamen ille quid haberet ex arte compendii, vicenas diurnas respondit annonas totidemque pabula iumentorum, quae vulgo dictitant capita, annum stipendium grave, absque fructuosis petitionibus multis,

*CTb* x. x. 34, 430, si quis ex his, qui sacro nostro cubiculo serviunt, ad petitionem caducorum ad fiscum pertinentium adspiraverit, cum impetrabile huius fuerit postulatum, lege, qua pars dimidia vindicatur aerario, protinus absolvatur primoque nutu nostrae clementiae statim integro perfruatur, nec labore ad partis alterius, quae fisco videtur addicta, prorsus petitionem attingi, norma legis antea promulgatae in ceteris omnibus custodita. For gifts of gold in the *cubiculum* see *V. Porpb.* 40, 53-4 and *Joh. Eph. V. SS. Or.* xxxvi.

38. DOMUS DIVINA IN AFRICA: *Not. Dig. Occ.* xii. 16. DOMUS DIVINA IN CAPPADOCIA: *Not. Dig. Or.* x. 2, xiv. 2, *CTb* vi. xxx. 2, 379, prisco iam nunc ordine revocato de palatino potius officio ad gerendum principatum officii comitis domorum per Cappadociam mittantur . . . ix. xxvii. 7, *CRP*, 390, unusquisque procurator praepositus gynaecei tabularius susceptor colonus vel quicumque se a comite domorum meminerit esse concussum, cum ipse cui pecuniam numeraverit administratione decesserit, intra anni spatia ad iudicium spectabilitatis tuae quidquid dederit repetiturus adcurrat, xi. xxviii. 9, 414, Musellio praeposito sacri cubiculi de titulis ad domum sacram pertinentibus, *Just. Nov.* xxx §6, 536.

39. *CJ* vii. xxxvii. 3, 531, Floro comiti rerum privatarum et curatori dominicae domus et Petro viro illustri curatori divinae domus serenissimae Augustae et Macedonio viro illustri curatori et ipsi dominicae domus. JUSTIN II: *Just. Nov.* cxlviii, 566, ἡ τοῦ μεγαλοπρεπεστάτου κουράτωρος τῶν οἰκιῶν. TIBERIUS: *Just. Nov.* clxiv, 574, οἱ τε ἐνδοξότατοι κουράτωρες τῶν θείων οἰκῶν, *Tib. Nov.* xii §§1-2 (Zacharia von Lingenthal, *Ius Graeco-Romanum*, III. 24-30), μηδένα τῶν ἐνδοξοτάτων ἢ μεγαλοπρεπεστάτων κουρατῶρων τῶν θείων ἡμῶν ἢ τῆς εὐσεβεστάτης βασιλίδος οἰκῶν, οἷς συναριθμητέον τὴν τε πατριμονιαλικὴν τὴν τε τῶν νέων ἐκκλησιῶν προεστῶσαν βασιλικὴν οἰκίαν. The *dominica domus* is mentioned side by side with the *res privata* and *patrimonium* in *Just. Nov.* lxix §4, 538, cii §1, 536, *Ed.* iv §2 (535-6), viii §2, 548. The institution of *curatores* may go back to the middle of the fifth century if Theodoret's letter (*Ep.* (Azema) 46) addressed 'Ελλάδιω κουράτωρι and styling him μεγαλοπρέπεια, refers to an imperial *curator domus divinae*. NAMED DOMUS: *IGC* 240 + 281 bis, 'Αλεξάνδρου τοῦ με[γαλο]πρεπ[το]ς κόμητ[ος] τῶν θίων προιουάτων, γενικοῦ κουράτορος τῶν προσ[ηκόν]των πραγμάτων Πλακιδία τῇ ἐπιφανεστάτῃ, cf. Malalas, 490, Ζήμαρχος ὁ ἀπὸ ἐπάρχων καὶ κουράτωρ τοῦ δεσποτικοῦ οἴκου τῶν Πλακιδίας; *IGLS* 528, τῷ θέῳ οἴκῳ τ(ῶ)ν 'Ορμισδ(ο)ν π(ρον)οον-(μ)έ(νω)ν ὑ(πὸ) Μάγνου τοῦ πανευφήμου ἀπὸ ὑπ(ά)των . . . κουρ(ά)τορος, cf. *Chron. Pasch.* 694, ἀπὸ ἐπάρχων γενόμενος πραιτωρίων καὶ λογοθέτης καὶ κουράτωρ τῶν 'Ορμισδου, 696, κουράτορος γενομένου τῶν 'Ορμισδου, *Joh. Eph. HE* vi. 28 (Hormisdas); *IGC* 308 bis, τῷ θείῳ οἴκῳ τῶν Μαρίνας προνοουμένων ὑπὸ Μάγνου τοῦ εὐδοξοτάτου κουράτορος, cf. Theophanes, A.M. 6053, Γεώργιον τὸν κουράτωρα τῶν Μαρίνης, 6057, τελευτῇ Βελισάριος ὁ πατρίκιος ἐν Βυζαντίῳ καὶ ἡ τοῦτον περιουσία ἦλθεν εἰς τὸν δεσποτικὸν οἶκον τῆς Μαρίνης; Theoph. Sim. III. 3, 'Αριστόβουλος (ἦν δὲ ἄρα οὗτος τῆς βασιλικῆς οἰκίας προεστὼς τοῦ βασιλέως τοῦ 'Αντιόχου προσαγορευομένης), *Chron. Pasch.* 695, ὄντος ἐπάρχου πόλεως Λεοντίου τοῦ ἀπὸ κουρατῶρων τῶν 'Αντιόχου, *V. Eutychii*, 76, Theoph. Sim. III. 3 (Antiochus). Other allusions to *curatores* include *A.C.Occ.* III. 86 (acclamations to a *curator* in 518), *MGH* (*Ep.*) III, 143, ad Megantem curatorem, *IGLS* 1905, τῶν ὑπὸ Λάζαρον τὸν ἐνδοξοτάτου κουράτωρα (an estate of the late empress), Agath. v. 3, ἐπιμέλειαν τῶν βασιλέως οἰκῶν τε καὶ κτημάτων ἀρχὴν ἐλλήχοντα · κουράτωρας δὲ τοῦτους καλοῦσι 'Ρωμαῖοι, Malalas, 439-40 (a *curator* reports to Justinian on an estate bequeathed to the emperor). Private persons also had *curatores*, e.g. Hypatius in *Sev. Ant. Ep.* i. 40, Belisarius in Theophanes, A.M. 6055: the Alexander of the first inscription

quoted above was a private *curator* of Placidia, who was also appointed *comes rei privatae* by Zeno (see Malchus, 13).

40. For the *patrimonium Italiae*, see ch. VIII, n. 44, IX, n. 45.

41. Iulius Antoninus, *v.p. rationalis*, who made dedications to Diocletian and Maximian at Nicomedia (*CIL* III. 325, *AE* 1947, 186), must be the chief *rationalis*. In *FIR* I<sup>2</sup>. 94 (314) and *CIL* III. 12044 = 13569 (cited in n. 1), the *rationalis* is clearly the chief finance minister; it is not possible to distinguish the chief minister from diocesan officers in the early laws in the Code addressed to a *rationalis*. The earliest recorded *comes sacrarum largitionum* is Nemesianus, *Sb* 1005, ἀπὸ καθολικῶν [Αἰγύπτου] καὶ ἀπὸ ἡγεμόνων . . . καθολικῶς ὢν τῆς διοικήσεως, *CTh* XII. 1. 30, Nemesiano comiti, 340, XI. VII. 5, Nemesiano *v.p. com. larg.*, 345. Next comes Domitianus who was *ex comite largitionum* in 353 (*Amm.* XIV. VII. 9) under Constantius II, and Marcellinus in 350 (*Zos.* II. 42, τῷ τοῦ ταμείου προεστηκότι) under Constans.

42. *Not. Dig. Or.* XIII. 21-34, *Occ.* XI. 87-99, *CTh* VI. XXX. 7 (= *CJ* XII. XXIII. 7), *CSL* (*Or.*) 384. For the dyeworks see *CTh* X. XX. 18, 436, septimum de scrinio exceptorum, sextum de scrinio canonum, quintum de scrinio tabulariorum ad bafia Foenices per certum tempus mitti praecipimus, ut fraus omnis eorum prohibeatur sollertia.

43. DIOCESAN RATIONALES: *Lact. Mort. Pers.* VII. 4, *Eus. HE* X. 6 (cited in n. 35), cf. *CJ* III. XXVI. 5, 315), *CTh* X. XI. 1, rationalis[us] Hispaniarum, 317, X. I. 2, ad Severum rationalem Africae, 319, X. XIX. 1, ad Maximum rationalem Africae, 320, XII. VI. 2 + VII. 1, ad Eufrasium rationalem trium provinciarum, 325, II. XXV. 1, Gerulo rationali trium provinciarum, 325 (*S*), XI. XXX. 14, Victori rationali urb. Rom. 327, *ILS* 1214, rationali vicario per Gallias, 1218, bis ration. urbis Romae et Africae, 6091, rationalem Asiae dioeceseos, *CIL* III. 17 (= 6585), Arrius Diotimus rat. Aeg., *Sb* 1002, Ἀντώνιος Θεόδωρος ὁ διασημώτατος καθολικῶς τῆς Αἰγύπτου, *P. Oxy.* 1410 Μαγνίου Ρούφου τοῦ διασημοῦ καθολ' ἐπαρχείας Αἰγύπτου καὶ Λιβύης, *IGR* I. 1219, ὁ λαμπρότατος καθολικῶς Αἰγύπτου; *CIL* VIII. 7009, Florentinus *v.p. rationalis* Numid. et Mauret. (cf. 7007-8, 7010, *Opt. App.* X), *CTh* X. X. 5, Callepio rationali trium provinciarum, 340, X. VIII. 4, ad Iuvenalem rationalem Numidiae, 346. COMITES LARGITIONUM (EAST): *Not. Dig. Or.* XIII. 5, comites largitionum per omnes dioeceses, 12, comes et rationalis summarum Aegypti. RATIONALES SUMMARUM (WEST): *Not. Dig. Occ.* XI. 9-20. COMITES LARGITIONUM (WEST): *Not. Dig. Occ.* XI. 4, comes largitionum per Illyricum, 7, comes largitionum Italicianarum, 8, comes titulorum largitionum per Africam, *Amm.* XXVII. VII. 5, Dioclis ex comite largitionum Illyrici, *CTh* I. V. 12, 399, per omnes provincias dioeceseos tuae per Africam largitionum titulorum comitum submotis dispositionibus magnificentiae tuae huius tituli curam necessitatemque permittimus amotis palatinis omnibus, VI. XIX. 1, 400, eos, qui consularitatis functi sunt dignitate, comitibus Italicianorum et Gallicianorum iure praeferimus, si quidem haud exiguus sit titulus meritorum regere et gubernare provincias, *Aug. Conf.* VI. 16, Romae adsidebat comiti largitionum Italicianarum. The *comites titulorum* of *CTh* I. X. 8, 428, are presumably the same. For the judicial functions of *rationales* etc. see pp. 485-6.

44. THESAURI: *Not. Dig. Or.* XIII. 10, *Occ.* XI. 21-37; *CJ* X. XXIII. 1, 383, omnem summam auri vel argenti reliquarumque specierum quae sacris largitionibus ex more penduntur statim ut exactio fuerit celebrata ad thesauros uniuscuiusque provinciae vel ad proximos referri . . . et thesaurorum praepositis consignari

praecipimus, ut exinde ad sacrum comitatum integer omnium titulorum numerus dirigatur, Amm xxii. iii. 7, hic idem Ursulus datis litteris ad eum qui Gallicanos tuebatur thesauros quidquid posceret Caesar procul dubio iusserat dari, xxix. i. 26, Salia thesaurorum paullo ante per Thracias comes, Bas. Ep. 237, ἐγὼ καὶ διὰ τοῦ βικαρίου τῆς Θράκης ἐπέστειλα τῇ θεοσεβείᾳ σου καὶ διὰ τινος πραιποσίτου τῶν κατὰ Φιλιππούπολιν θησαυρῶν, Greg. Naz. Or. vii. 15, διέτριβε μὲν ἐν τῇ Βιθυνῶν, τὴν οὐ πολλοστὴν ἀπὸ βασιλέως διέπων ἀρχὴν ἣ δὲ ἦν ταμιεύειν βασιλεῖ τὰ χρήματα καὶ τῶν θησαυρῶν ἔχειν τὴν ἐπιμέλειαν (there follows an allusion to Nicaea), CTh i. xxxii. 3, 377, quicumque in largitionibus nostris quocumque nomine atque apparitione procurans nactus fuerit administrationem ratiociniis obnoxiam, primum maxime idoneis satisfactoribus datis adfectatum munus incipiat; deinde abiens intra triginta dies in his thesauris, qui negotii sunt minoris, intra quinquaginta autem in his, qui maiorum sunt, chartas et ratiocinia cuncta restituat; plane conscriptum susceptoribus tradat, quid susceperit, quid erogaverit, quid in thesauris conditum maneat, viii. vii. 14, 377, nullus thensaurensis vel officialis comitis thensaurorum . . . hi, qui nuper thensaurorum custodiam susceperunt, scriniarii etiam comitum thensaurorum vel ceteri thensaurenses, viii. vii. 23, 426, comitum thensaurorum dioeceseos provectiones et ipsos thensaurenses vetus observatio principali dexteræ reservavit, CJ xi. viii. 14 (426), xii. lix. 10 §4 (472).

45. LARGITIONALES CIVITATUM: CTh vi. xxxv. 3, 319, meritoque his iungimus largitionales urbium singularum, ne privilegio separentur quos dignitas propemodum similis copulavit, memorati namque palatinorum matriculis adtinentur, viii. iii. 1, 364, eligendi autem erunt susceptores e diversis officiis, etiam ex largitionalibus civitatum, qui utique extra palatium degunt.

46. See pp. 826-7, 834-9 (*bastagae, comites commerciorum*, weaving and dyeing mills, *barbaricarii*, mines). COMES VESTIARII: Not. Dig. Occ. xi. 5; he is different from the *comes sacrae vestis* of CTh xi. xviii. 1, 412 (S), who was a eunuch of the bedchamber. MAGISTRI LINTEAE VESTIS, PRIVATAE: Not. Dig. Or. xiii. 14, 15, CJ xi. viii. 14 (426).

47. OCTAVAE: CTh iv. xiii. 6, 369, 8, 381, CJ iv. xlii. 2 (459-65), IGC 10, ὀκταβερῆο καὶ ἀποθηκαρίω, Sophronius, SS. Cyri et Ioh. Mir. 1 (an ὀκταβάριος of Alexandria). The old rate of 2½% (S. J. de Laet, *Portorium*, 333-9) seems to have already been reduced to 1½% by the time of Severus Alexander (CJ iv. lxxv. 7). QUINQUAGESIMAE AND QUADRAGESIMAE: Symm. Ep. v. 62, quaestores ordinis nostri numquam ferarum suarum portorium contulerunt . . . nunc a fratre meo Cynegio quaestorio candidato quinquagesimae vectigal exigitur quod solos ursorum negotiatores utpote quaestui servientes oportet agnoscere, 65, quadragesimae portorium non recte poscitur a senatoribus candidatis. The collectors are called *publicani* in Ep. 62, *mancipes* in Ep. 65. On the civic *vectigalia* see ch. XIX, nn. 45-6, 49.

48. FARMING OF VECTIGALIA: CTh iv. xiii. 1. 321, penes illum vectigalia manere oportet, qui superior in licitatione extiterit, ita ut non minus quam triennii fine locatio concludatur nec ullo modo interrumpatur tempus exigendis vectigalibus praestitutum. quo peracto tempore licitationum iura conductio-numque recreari oportet ac simili modo aliis conlocari. Cf. 4, 360 (S), praestatio vectigalis maximam continens utilitatem tanta debet diligentia custodiri, ut adsiduus licitationibus sumat augmentum. DECURIONS: CJ x. lvii. 1 (286-93), CTh xii. i. 97, 383. CONDUCTORES: CJ iv. lxxii. 4 (336), CTh xi. xxviii. 3, 401, Aug. Civ. Dei. vii. 4. PRAEPOSITI: CTh xiii. v. 5, 326, i. xxxii. 3, 377, xiii.

v. 17, 386; for compulsion under the Principate see *Dig.* xxxix. iv. 11 §5, XLIX. xiv. 3 §6, *CJ* iv. lxx. 5.

49. AURUM CORONARIUM: *CTh* XII. xiii. 1, 362, aurum coronarium munus est voluntatis, quod non solum senatoribus, sed ne aliis quidem debet indicī, licet quaedam indictionum necessitas postulaverit; sed nostro arbitrio reservari oportebit, 2, 364, universi, quos senatorii nominis dignitas non tuetur, ad auri coronarii praestationem vocentur exceptis his, quos lex praeterita ab hac conlatione absolvit. omnes igitur possessores aut inter decuriones coronarium aurum aut inter senatores glebalem praestationem deinceps recognoscant, 3, 368, nullus exceptis curialibus, quos pro substantia sui aurum coronarium offerre convenit, ad oblationem hanc adtineatur, 5, 379, quae diversarum ordines curiarum vel amore proprio vel indulgentiarum laetitia vel rebus prospere gestis admoniti in coronis aureis signisque diversis obtulerint, in quacumque fuerint oblata materia, in ea suscipiantur, ne id, quod voluntate offertur, occasione obryzae incrementi, necessitatis iniuria insequatur. Cf. also 5, 384, 6, Satrapae Sofanenaē, 387; Lib. Or. xviii. 193, ὁ χρυσὸς δὲ οὗτος ἀνέμνησέ με χρυσῶν στεφάνων οὗς αἱ μὲν πόλεις ἐπεμπον διὰ πρέσβων ἀλλήλας ὑπερβάλλουσαι τῷ σταθμῷ, χιλλῶν οὗτος στατήρων, δισχιλλῶν δὲ ἐκεῖνος, τούτων ὁ παρ' ἐτέρων ἔλκων πλέον, ὁ δὲ ἐπιτιμήσας τῷ μεγέθει σαφῶς εἰδὼς ὡς οὐκ ἄνευ πόνου τὰ τοιαῦτα συλλέγοιτο νομοθετεῖ τὸν στέφανον ἀπὸ στατήρων ἐβδομήκοντα φοιτᾶν. There is no formal proof that *aurum coronarium* was paid to the *largitiones*, but it seems natural that it should have been.

50. AURUM OBLATICIUM: *CTh* VI. ii. 16, 395, omnes senatores, qui in sacratissima urbe consistunt, licet habeant per longinquas provincias atque diversas possessiones, aurum oblaticium in urbe persolvant, quod a procuratoribus et actoribus suis ad urbem reditus perferuntur. sane his senatoribus, qui in provinciis larem foveant, per provincias censuales, qui plenam habent notitiam, imineant, quo cognoscant sine dilatione aurum profuturum aerario nostro quantocius inferendum, 20, 397, dudum praecepimus, ut aurum oblaticium senatores, qui in sacratissima urbe degunt, in urbe complerent, ii vero, qui in provinciis larem foverent, per censualium officia in provinciis solverent. Sed quoniam cognovimus praedictum officium non posse executioni sufficere, ad praedictum negotium auxilia congrua ab ordinariis iudicibus volumus ministrari, 25, 426, oblationem nobis amplissimi ordinis prompta liberalitate promissam partim remittimus vobis, partim patriae communi urbiue largimur, Symm. *Ep.* II. 57, praefecti litterae ruperunt otium meum, quae bonae spei sollicita miscebant, speciatim praesentiam meam per ambiguum poposcerunt. non differo expectationem tuam. coactum in tractatum senatum commoneri sed et oblationem faciendam scriptis secretioribus indicavit. nihil publicatum, nihil lectum est, quantitas postulatae rei excessit opulentiam, re cognita vastum silentium cunctis stupor subitus imperavit, *Rel.* 13. Cf. *Rel.* 30, where two *palatini munerationum sacrarum* are suing the heirs of a deceased senator for arrears, 'quod oblativis functionibus eadem domus esset obnoxia'. This incidentally proves that *aurum oblaticium* went to the *largitiones*. CONSTANTINOPLE: Them. Or. III. 40c.

51. FOLLIS: Zos. II. 38, ἀπεγράφατο δὲ τὰς τῶν λαμπροτάτων οὐσίας, τέλος ἐπιθεῖς ᾧτινι φόλλιν αὐτὸς ἐπέθηκεν ὄνομα. EXEMPTIONS: *CTh* VI. ii. 13, 383, his tantum a necessitate huiusmodi segregandis, quos palatinae honore militiae et stipendiis adprobatos debita potius quam postulata senatorii ordinis societas advocaverit, 26, 428, praeter eos, qui notariorum nostrorum scholae praeclaro sunt sacrati collegio vel scriniorum praeerogativa nostrorum aut etiam sacri con-

sistorii decurionum militia muniuntur, item qui e schola agentum in rebus expletis stipendiis ad principatum ducenae pervenerunt, togati quoque praetorianae atque etiam urbicae praefecturae ceterique omnes, qui delatis sibi senatoriis dignitatibus fruuntur, pro suis viribus glebales tantum functiones agnoscant: palatinis sacrarum et privatarum largitionum, quoniam renuntiandum senatoriae dignitati adita nostra clementia crediderunt, senatoriis functionibus eximendis. Cf. VI. II. 23, 414, xxvi. 14, 407 (*proximi scriniorum, comes dispositionum, magister admissionum*), xxiii. 1, 415, 4, 437, (*decuriones and silentiarii*), xxiv. 7, 414, 8, 9, 416, 10, 427, 11, 432 (*decemprimi of protectores and domestici*), xxv. 1, 416 (*praepositi labarum*), xxvii. 6, 390, 22, 428 (*principes of agentes in rebus*), XIII. iii. 15, 393, 16, 414, 19, 428 (*archiatri*). RATE OF TAX: Hesychius, 5, τοῖς μὲν τοῦ πρωτοῦ τέλους ὁκτώ χρυσίον λίτραι, τοῖς δὲ τοῦ δευτέρου τέσσαρες, καὶ δύο τοῖς τρίτοις; pound of gold is a mistake for *follis*, cf. *CTh* VI. II. 13, 383, duorum vero follium maneat cunctos indiscreta professio, etiam si possessiones forte non habeant, IV. 21 §6, 372, cum duos folles aut quattuor aut certe amplius in professionem habebunt. For the value of the *follis* see *JRS* XLIX (1959), 35-6. Some passages in Libanius' letters (*Lib. Ep.* 252, φασὶ δὲ αὐτὸν καὶ χορηγὸν ἐννέχθαι τῆς τὰ μέγιστα δαπανώσης, ὁ δὲ οὐτε ταύτην οὐδ' ἢν δευτέραν νομίζετε δύνατ' ἂν ἄρασθαι, φαίην δ' ἂν ὡς οὐδὲ τὴν τρίτην ἀνευ πόνου, καὶ ταῦτ' ἢν τις αὐτὸν κατὰ τὸν νόμον καλῇ, 1277, φησὶ τοίνυν ὁ Παγκράτιος μικρὰ ἔχων μεγάλα εἰσπράττεσθαι καὶ οὐκ ὀρθῶς ἐν τρίτοις ἡριθμῆσθαι) have been taken to refer to the three grades of the *follis*. The first passage, however, refers to the praetorship, which was also in three grades (*CTh* VI. IV. 5, 340), and so probably does the second. In *Ep.* 252 the first four sections refer to the *follis*, the last two to the praetorship; similarly in *Ep.* 251, §§6-9 refer to the *follis* (φορά), and §§10-12 to the praetorship (λειτουργία). RATE OF SEVEN SOLIDI: *CTh* VI. II. 15, 393, quod ad eorum querimonias, qui se glebalia non posse ferre onera testabuntur, amplissimorum virorum consilio definitum est, scilicet ut septenos quotannis solidos pro sua portione conferret, qui praebitionem implere follium non valeret, eatenus . . . confirmamus, ut omnes, quibus est census angustia, contemplatis patrimonii sui viribus liberam habeant optionem, quatenus, si conlatio ista non displicet, a consortio amplissimi ordinis non retendant. sin vero grave, id est damnosum videtur, dignitatem senatoriam non requirant. ATTACHED TO LAND: *CTh* VI. II. 21, 398, glebam possessionum, non personarum esse perspicimus, ac propterea necesse est, ut illis immineat exactio qui ex re eadem redditus consequuntur, 22, 401, a conlatione glebalis auri vel solidorum vii tituli ne domum quidem nostram immunem esse praecepimus; cf. 24, 417, si quis desertam possessionem sub peraequationis sorte perceperit, eum a praestatione glebae senatoriae, etiamsi antiquitus hoc onus fundum manebat, alienum esse praecepimus, XIV. III. 10, 368, si autem a clarissimis viris aliquos acceperint fundos, sic praedicto corpori pareant, ut glebae, ex qua lucrata ea sunt corpora, nullum praeiudicium comparetur, and *Syn. Ep.* 38, ὅστις ἐκ προγόνων λαμπρότατος ὢν καὶ τὴν πατρῶαν βῶλον ὑποτελῇ τῇ συγκλήτῳ διαδεξιμένος, ἐπειδὴ γέγονεν ἡγεμών, ἀξιούται συντελεῖν ὥσπερ οἱ νεόβουλοι καὶ γενέσθαι διπλοῦς λειτουργός, τὸ μὲν τι διὰ τὴν οὐσίαν τὸ δὲ δι' ἢν ἤρξεν ἀρχήν. DECLARATION: *CTh* VI. II. 13, 383, quique consularitatis insignia fuerit adsecutus, dignitatis obeundae atque exercendae administrationis huius copiam non habeat, nisi propria adnotatione digesserit se senatorium nomen agnoscere et larem habitationemque vel sedes certas in provincia atque oppido conlocasse nihilque amplius quam certum professionis modum varias intra provincias possidere, cuius indicio palatinis scriniis quaesito quam primum omnis instructio facile declaret, quibus quantisque nominibus quoque in modo perennis aerarii emolumenta subcreverint.

CENSUALES: *CTh* VI. ii. 17, 397, censuales nostros, quibus onerosa glebae affirmatur esse exactio, ab ipso quidem negotio summovemus. sed quia praecipuam eis scimus harum rerum esse notitiam, et disquisitionis curam et rationem manifestae instructionis eis inponimus. Symmachus apparently refers to *censuales* in *Ep.* v. 55, nolo ex moribus ceterorum qui census senatorios tractant etiam huius ingenium quam commendo perpendas, and *Rel.* 30, Luciano monente qui census senatorios ante tractavit. ABOLITION: *CJ* XII. ii. 2 (450-55), glebam vel follem sive septem solidorum functionem sive quamlibet eiusmodi collationem tam circa personas quam circa res et praedia funditus iubemus aboleri, ut omnis huiusmodi sopita perpetuo conquiescat exactio.

52. COLLATIO LUSTRALIS: Zos. II. 38, cf. *Leg. Saec.* 117, *Chron. Pasch.* 525, *CTh* VII. XX. 2 §1, 326 (S), 3, 325 (S); Evagrius (III. 40-1) could not believe that the first Christian emperor created so wicked a tax. Quadrennial incidence in the fifth century is stated in Zosimus (II. 38) and Evagrius (III. 39) and Josh. Styl. 31 and *CJ* XI. i. 1 (498). Payment in gold and silver is recorded in *CTh* XIII. i. 1, 356, 4, 362, 6, 364, 8, 370, gold only in 9, 372, 11, 379, 13, 383 (S), 15, 386, 17, 399, 18, 400, 19, 403, 20, 410, 21, 418, Cass. *Var.* II. 26, 30, Josh. Styl. 31; the tax continued to be called *chrysargyrum* or *lustralis auri argentive conlatio* (*CTh* I. v. 14, 405). It is often called *πραγματευτικόν* (tax on merchants) in Greek, e.g. Basil, *Ep.* 88, *P. Lips.* 64, PRG v. 27. Procopius of Gaza (*Pan.* 13) enumerates those liable to the tax as craftsmen (*αὐτοῦργοῦντες καὶ τῶν καθ' ἡμέραν ἐνδεεῖς καὶ ταῖς χερεὶ πᾶσαν ἐλπίδα πεποιημένοι τοῦ βίου*), market gardeners (*γεωργὸς περὶ τὰ δένδρα*), fishermen (*ἀλιεὺς*), merchants (*ἐμπορὸς τις μετὰ χειμῶνα καὶ θάλασσαν καὶ τύχην ἀγρίαν μόλις τῆς γῆς ἐπιβάς*) and prostitutes (*αἱ ἐπὶ τῶν οἰκημάτων γυναῖκες*). MONEY LENDERS: *CTh* XIII. i. 18, 400. PROSTITUTES: Zos. II. 38, Evagr. III. 39, Th. II, *Nov.* xviii, 439, *CJ* XI. xli. 7 (457-67). EXEMPTION OF DOCTORS AND TEACHERS: *Leg. Saec.* 116; OF LANDOWNERS AND PEASANTS: *CTh* XIII. i. 3, 361, 6, 364, 8, 370, 10, 374, 12, 384, 13, 383 (S); OF RURAL CRAFTSMEN: *CTh* XIII. i. 10, 374, colonos rei privatae vel ceteros rusticanos pro speciebus, quae in eorum agris gigni solent, inquietari non oportet. eos etiam, qui manu victum rimantur aut tolerant, figulos videlicet aut fabros, alienos esse a praestationis eius molestia decernimus, ut hi tantum, qui pro mercimonio et substantia mercis ex rusticana plebe inter negotiatores sunt, sortem negotiationis agnoscant, quos in exercendis agris ingenitum iam pridem studium non retinet, sed mercandis distrahendisque rebus institutum vitae et voluntatis implicuit; OF PAINTERS: *CTh* XIII. iv. 4, 374; OF VETERANS: *CTh* VII. XX. 2 §1, 326 (S), fisco nostro quoque eadem epistula interdiximus, ut nullum omnino ex his inquietaret, sed liceat eis emere et vendere, 3, 325 (S), qui autem negotii gerendi habuerit voluntatem, huic centum follium summam immunem habere permittimus, XIII. i. 2, 357 (S), praeter eos, quos manifesta probatio demonstrat sub armis militiae sacramenta tolerasse quosque, cum requiem sortirentur, in pecuniarum certo numero immunitatem claruerit consecutos, universi, qui negotiandi videntur exercere sollertiam, ad onus conlationis adstringantur, VII. XX. 9, 366, XIII. i. 7, 369, 14, 385, eos, quos peractae militiae labor decurso stipendiorum ordine vel protectoris honore cumulavit vel honestae vel causariae missionis necessitate donavit, quindecim solidorum in mercimoniis omnibus immunitatem habere iubemus, agnituros publicum munus, si ultra praestitutum legis nostrae modum emendis vendendis rebus laxiore sumptu operam voluerint commodare; OF CLERGY: *Leg. Saec.* 117, *CTh* XVI. ii. 8, 343, 10, 346 (S), 14, 356 (S), XIII. i. 1, 356, negotiatores omnes protinus convenit aurum argentumque praebere,



clericos excipi tantum, qui copiatæ appellantur, nec alium quemquam esse immunem ab huius conlationis obsequio, xvi. ii. 15 §1, 360, clerici vero vel hi, quos copiatas recens usus instituit nuncupari, ita a sordidis muneribus debent immunes adque a conlatione praestari, si exiguis admodum mercimoniis tenuem sibi victum vestitumque conquirent; reliqui autem, quorum nomina negotiatorum matricula comprehendit eo tempore, quo conlatio celebrata est, negotiatorum munia et pensationes agnoscant, quippe postmodum clericorum se coetibus adgregarunt, xiii. i. 11, 379, etsi omnes mercatores spectat lustralis auri pensio, clerici tamen intra Illyricum et Italiam in denis solidis, intra Gallias in quinis denis solidis immunem usum conversationis exercent. quidquid autem supra hunc modum negotiationis versabitur, id oportet ad functionem aurariam devocari, 16, 399; cf. Greg. Naz. *Ep.* 98 (a protest against imposing *ζημίαν τὴν ἐκ τῶν τεχνῶν* on a deacon).

53. ASSESSMENT OF THE TAX: Zonaras, xiv. 3, *ἥν δὲ ὁ τοῦ χρυσαργύρου δασμὸς τοιοῦτος· ἅπαντες καὶ προσαῖται καὶ πένητες καὶ πᾶσα πόρνη καὶ ξύμπαντες ἀπελεύθεροι ἐν ἀγροῖς τε καὶ πόλεσι διατρίβοντες εἰσφέρειν ἡναγκάζοντο τῷ δημοσίῳ τέλος ἐτήσιον καὶ ὑπὲρ ἵππων καὶ ἡμιόνων καὶ βοῶν ὄνων τε καὶ κυνῶν ἐπράττετο φορολόγημα, ὑπὲρ ἀνθρώπων μὲν ἑκάστον νόμισμα ἀργυροῦν, τὸ δ' αὐτὸ καὶ ὑπὲρ ἵππου ἡμιόνου τε καὶ βοός, ὑπὲρ ὄνου δὲ καὶ κυνὸς φόλλεις ἔξ.* Cf. Lib. Or. xlv. 22 (a cobbler pays on his tools) and *PSI* 884 (an assessment including a mill), *PRG* v. 28 (a *μυλωναρχος* assessed at 40 solidi). MATRICULA: *CTh* xvi. ii. 15 §1, 360 (cited in n. 52). MANCIPES: *CTh* xiii. i. 17, 399, a negotiatoribus aurum lustrale dependi non ignoramus et cum ad eos soleat distributionis cura recurrere, quos necessitas conlationis adstringit, non convenit municipes hoc onere subiacere. sciant igitur de corpore suo, sicut in omnibus fere civitatibus, municipes eligere absque ulla aerarii nostri demuntione, a curialibus alienae functionis distributione reiecta, xii. vi. 29, 403, dudum praecepimus, ut ex corpore negotiatorum ad suscipiendam tuendamque aurariae nostrae rationem adponeretur idoneus, qui tamen fide omnium et periculo fuisset electus. Gregory of Nazianzus speaks of the tax as being imposed by the *πολιτευόμενοι* (decurions) in his day (*Ep.* 98). EDESSA: Josh. Styl. 31. Evagrius states that the tax went to the praetorian prefecture (iii. 39, *ἐπὶ τὴν πρῶτην καὶ κορυφαίαν ἐσῆγον τῶν ἀρχῶν ἀνὰ τετραετηρίδα οἱ τοῦτον ἑκασταχοῦ συλλέγοντες, ὥς καὶ μέρος οὐκ ἐλάχιστον τῆς ἀρχῆς καθεστάναι καὶ τῶν εἰδικῶν σκρωτίων τυχεῖν*) but he is apparently wrong. The tax was administered by the prefecture, no doubt; of the constitutions in *CTh* xiii. i, de lustrali conlatione, all are addressed to the praetorian prefect, vicars and provincial governors, except 3 (the senate), 16 (*PU* on *corporati*) and 6 (*CSL*). But this last constitution proves that the tax flowed to the *largitiones*, as do *CJ* xi. xli. 7 (457–67), *μηδεὶς πορονοσκοῖτω τοῦ λοιποῦ μηδὲ πόρος ἐντεῦθεν ταῖς λαργιτίοσιν εἰσαγέσθω*, xi. i. 1 (498), *ἐκατὸν δὲ λίτρας ὀρίζει πρόστιμον τῇ σχολῇ τῶν παλατιῶν* (Anastasius in the law abolishing the *chrysargyrum*), and Malalas, 398 (cited in n. 36); cf. also Bas. *Ep.* 88 (the tax goes *τοῖς θησαυροῖς*), Proc. Gaz. *Pan.* 13 (it went to *ὁ τοῦ βασιλέως θησαυρός*). The tax continued in the West in the sixth century, see Cass. *Var.* ii. 26, 30.

54. AURUM TIRONICUM: Amm. xxxi. iv. 4, Soc. iv. 34, Soz. vi. 37, *CTh* vii. xiii. 2, 368, 7 §1, 375, 13, 397 (25 solidi), 14, 397, 18, 407, 20, 410 (30 solidi), Val. iii, Nov. vi. 3, 444 (30 solidi): in *P. Lips.* 61, 62, the *χρυσώνης*, the provincial representative of the *largitiones*, gives receipts for *χρυσὸς τιρώνων*. Cf. Syn. *Ep.* 79 (an official collects arrears *τοῦ στρατιωτικοῦ χρυσίου, τοῦ καλουμένου τιρώνικοῦ*). HORSES: *CTh* xi. xvii. 3, 401, addressed to the praetorian prefects and the *CSL*. LEVY ON JEWS: *CTh* xvi. viii. 29, 429, Iudaeorum

primates qui in utriusque Palaestinae synedriis nominantur vel in aliis provinciis degunt, quaecumque post excessum patriarcharum pensionis nomine susceperunt, cogantur exsolvere. in futurum vero periculo eorundem anniversarius canon de synagogis omnibus palatinis compellentibus exigatur ad eam formam, quam patriarchae quondam coronarii auri nomine postulabant; quae tamen quanta sit, sollerti inquisitione discutias; et quod de occidentalibus partibus patriarchis conferri consueverat, nostris largitionibus inferatur. SILIQUATICUM: Val. III, *Nov.* xv (444) see also ch. XXI, n. 5. Fines are generally stated to go to the *fiscus* or *aerarium*, both ambiguous terms, but the *largitiones* are specified in *CTh* ix. xvii. 2, 349, xi. xvi. 7, 8, 356 (S), xxx. 58, 399, xiii. v. 38, 414, xv. vii. 6, 381, xvi. v. 54 §9, 414, Th. II, *Nov.* xxv §7, 444, *CJ* vii. lxii. 21, etc. They go regularly to the *res privata* in Justinian's laws, e.g. *CJ* I. v. 12 §16, 18 §11, x. 2, li. 14 §3, III. i. 13 §8, x. xxx. 4 §16, Just. *Nov.* cxii §2, cxvii §13, cxxiii §27, cxxiv §2-3, cxxviii §25.

55. MAXIMIN'S LEVY: *P. Cairo Isid.* 69, 127, *P. Oxy.* 1524, 1653, *P. Merton*, 31, *P. Cairo*, 57049 (*Chron. d'Ég.* 1952, 247), *P. Thead.* 33, cf. *Sb* 9253, . . . ἀργύρῳ διδόναι [νομοθε]τουμένων ἐκάστην λητρὰν εἰς ἣ ἄπτικὰς λογίζεσθαι, ἄκοντας δὲ μὴ ἀναγκάζεσθαι τὸ εἶδος διδόναι. τῶν γὰρ ἀποπωτάτων ἐνόμισεν εἶναι ἡ ἐκθεὸς αὐτῶν τύχη ἀναγκαζομένους τινὰς εἰσφέρειν τὸν ἀργυρὸν συνωνεῖσθαι μὲν πλείονος τιμῆς τοῦτον, ἐλάττωτος δὲ παρέχειν τῷ ἱερωτάτῳ ταμείῳ. CONSTANTINE'S LEVY: *CTh* xi. ix. 2, 337, si quis fundum vel mancipia ob cessationem tributorum vel etiam ob vestium auri argenteum debitum, quae annua exactione solvantur, occupata convento debitorum et apud iudicem interpellatione celebrata, cum solutio cessaverit, sub hasta distracta comparaverit. JULIAN'S LAW: *CTh* xi. xii. 2, 362, omnes omnino, quicumque capitationis indulgentiam immunitatemque meruerunt, non solum ex annonario titulo, verum etiam ex speciebus ceteris atque largitionibus excepti sunt immunesque erunt; neque enim praestanda dividimus. χρυσὸς ἀρουρατίου: *P. Lips.* 62. Cf. also *P. Warren*, 7, for ἀργυρικῶν καθολικότητος levied on the village of Theadelphia. LAW OF HONORIUS: *CTh* xi. xxviii. 14, 423, quod de annonariis functionibus per urbicarias regiones clementia nostra concessit, etiam in largitionalibus titulis et enfyteuticis rei publicae praediis custodiri mandamus. Cf. also *CTh* xi. i. 35 + xii. vi. 32, 429, where *possessores* pay a gold and silver tax in which *palatini* and *comites aerarii* are interested. EGYPT: *Chr.* I. 180, εἰς μὲν ἐμβολὴν σίτου κανόνος ἀρτάβας ἐξήκοντα τρεῖς μετὰ τῶν τούτων ναύλων Ἀλεξανδρίας καὶ μεταφορᾶς καὶ παντοίων ἀναλωμάτων, καὶ ὑπὲρ κανονικῶν τὰ καὶ καταβαλλόμενα τῷ κατὰ καιρὸν ἐθνικῷ χρυσῶνι χρυσοῦ κεράτια εἰκόσι δύο δημοσίῳ ζηνῶ, καὶ ὑπὲρ ἀρχαϊκῶν τὰ καὶ καταβαλλόμενα τῷ κατὰ καιρὸν ἀρχαίῳ ἥτοι ἐμβολάτορι χρυσοῦ κεράτια εἰκόσι δύο ἡμισὺν ὀβρυζιακά εἰς δημοσίῳ κεράτια εἰκόσι τέσσαρα; cf. *P. Oxy.* 1887; both these are statements of taxes on land. ITALY: *P. Ital.* 2 (p. 182), in [can]on(e) praefect(orum) sol(idi) n(umero) MCLIIIS, in titul(is) largitional(ibus) sol(idi) n(umero) LXXXVS.

56. For the clothing factories see pp. 836-7. COMPULSORY PURCHASE OF VESTIS: *P. Cairo Isid.* 54, *P. Antinoop.* 39; cf. *P. Lond.* 1659 (a fourth century letter dealing with συνώνη of πάλλια, στιχάρια and χλάμνδες). LAW OF 377: *CTh* vii. 3, 377, provinciae Thraciarum per viginti iuga seu capita conferant vestem, Scythia et Moesia in triginta iugis seu capitibus interim annua solutione dependant; per Aegyptum et Orientis partes in triginta terrenis iugis; per Asianam vero et Ponticam dioecesim ad eundem numerum in capitibus seu iugis annua vestis collatio dependatur, ita ut per Orientem provinciae in titulo auri comparatici, quod per iugationem redditur, compensa-

tionis gratia perfruantur exceptis Osroene et Isauria; nam easdem constat aurum comparaticium minime redhibere. Other allusions to *vestis* as a tax on land are *CTh* xi. ix. 1, 323, vestes canonicas, 2, 337, ob cessationem tributorum vel etiam ob vestium auri argentique debitum, xiii. v. 14, 371, ita ut vestes adque equi ceteraeque canonicae species ab indictione eadem non negentur. EGYPTIAN SCHEDULE: *P. Oxy.* 1905, μερισμ(ός) ἀρουρ(ῶν) ιέ (ἔτους) ἰνδικτ(ιονος) οὕτως· ἔσθητος, τῶν (ἀρουρῶν) σμγ' χλάμ(υς) α' καὶ τῶν (ἀρουρῶν) ροε' στιχ(άριον) α' καὶ τῶν (ἀρουρῶν) Ατκε' πάλλ(ιον) α'. FRACTIONAL VESTES: *P. Lond.* 1259, *P. Oxy.* 1448 (a schedule of στιχάρια and πάλλια assessed on seventeen villages, nearly all fractional), *SPP* xx. 92, *P. Warren*, 7, *P. Oslo*. 119. *PSI* 781 is an account of commuted *vestis* (A.D. 341); *PRG* v. 61 looks like accounts of a *susceptor vestium* who bought *vestes* for cash. SUSCEPTORES VESTIUM: *CTh* vii. vi. 1 = xii. vi. 4, 365 (*principales* and *honorati* under Valentinian I's reformed system), xii. vi. 31, 412 (transferred from *curiales* to *officiales*); *P. Lips.* 45, 46, 58–60, are documents relating to curial ἐπιμεληταὶ ἔσθητος in A.D. 371 at Panopolis. *P. Oxy.* 1424, concerns a villager appointed by the village εἰς ἀπατήσιν στιχαρίων καὶ παλλίων. That *vestis* came under the *largitiones* is shown by *CTh* vii. vi. 2, 368, omnem canonem vestium ex kalendis Sept. ad kal. April. nostris largitionibus tradi praecipimus, i. xv. 10, 379, vestes largitionales, vii. vi. 4, *CSL* 396, 5, 423.

57. *CTh* vii. vi. 4, 396, fortissimis militibus nostris per Illyricum non binos tremisses pro singulis chlamydis sed singulos solidos dari praecipias, 5, 423, militaris adaeratio vestis a conlatoribus exigatur sacratissimis videlicet largitionibus inferenda, ita ut quinque eius partes fortissimis militibus erogentur in pretio, sexta vera portio a gynaeceariis clementiae nostrae absque ulla vel ipsorum vel publica incommoditate pro eadem contextione suscepta iunioribus gregariisque militibus in ipsa, quam maxime eos desiderare constituit, specie praebetur, *PSI* 1264, ἀπὸ λόγου ἐξαγωγισμῶν τῶν νυνὶ κελευσθέντων ἐν χρυσῷ εἰσνεχθῆναι στιχαρίων. As late as A.D. 420 four στιχάρια were levied in kind from a taxpayer (*P. Oxy.* 1136).

58. VECTIGALIA: *CTh* i. xv. 10, 379, vectigalia sane apud Karthaginem constituta vicariae praefecturae apparitio procuret; of the laws in *CTh* iv. xiii, de vectigalibus et commissis, no. 1 is addressed to a consular, nos. 4 and 7 to a proconsul, nos. 2 and 3 to Menander (a *comes provinciarum* or the like, see ch. III, n. 52), no. 5 to a vicar, no. 6 to the *comes Orientis* and only 8 and 9 (and xi. xii. 3) to the *CSL*. For the *aurum oblativum*, *folles*, *collatio lustralis* and *vestis* see above, nn. 50, 51, 53, 56.

59. *CTh* viii. i. 12, 382, in provinciis singulis duo tabularii collocantur, quo ad unum fiscalis arcae ratiocinium, ad alterum largitionales pertinere tituli iubeantur, xii. vi. 30, 408, duos tabularios et susceptores totidem per universas provincias oportere constitui clementia nostra praecepit. super hoc autem admonuimus et praetorianam amplissimam praefecturam, quo sciret eos, qui aurum largitionale susceperunt, nihil cum arcae ratiociniis habere commune, *CJ* x. xxiii. 3 pr. §3, 468, praecepit nostra serenitas neque veloci cursui neque alii praeter veterem consuetudinem gravamini subiacere chartularios qui de cohortalibus officiis uniuscuiusque provinciae largitionales titulos retractare constituuntur . . . illud etiam generali forma sancimus, ut in omnibus provinciis tam nominatio specialium susceptorum largitionum titularum quam defensio tractatorum non tantum per viros clarissimos moderatores provinciarum sed etiam per viros spectabiles proconsules et praefectum Augustalem et laudabiles vicarios una cum eorum officiis, admonentibus semper necnon imminentibus palatinis, procuretur, cf. Val. iii, *Nov.* vii. 3 §2, *CSL*, 447, provinciarum iudices

esse cogendos ut tabularios largitionum titulorum ad amplitudinis tuae sedem cum ratiociniis instructionibusque transmittant. The two *tabularii* are called in the papyri *χρυσώνης* and *ἀγκάριος* (see *Chr.* I. 180, cited in n. 55). In Egypt the office of *χρυσώνης* dates back to Constantine's reign; see *P. Würtz.* 15, declaration, dated 341, from an *ἐπιμελητῆς χρυσίου*, stating that he had collected a fine of 2 oz. gold and delivered it to the *χρυσώνης*, with a copy of the receipt given by the *χρυσώνης*, dated 335. *Χρυσῶναι* appear in 375, collecting gold taxes (*Chr.* I. 187, *P. Flor.* 95, cf. *P. Lips.* 62-3, of 384-5, 388); these *χρυσῶναι* are decurions of the provincial metropolis, not officials, as provided in the law of 382. It would appear that the measure applied to all provinces in 382 by *CTh* VIII. 1. 12 had been anticipated, in a rather different form, in Egypt half a century before. PALATINI: *CTh* VI. xxx. 1, 379, I. x. 1, 382 (S), 2, 385, VI. xxx. 10, 385, VIII. viii. 4, 386, 5, 6, 7, 395, I. v. 12, 399, 13, 400, x. 6, 7, 401, XI. vii. 17, 408, 18, 409, *CJ* I. xl. 10 (401), *CTh* VIII. viii. 9, 416, I. x. 8, 428, XII. vi. 32 §2, 429, Val. III, *Nov.* vii. 1, 440, 2, 442, *Maj. Nov.* ii §2, vii §16, 458. For the responsibility of the praetorian prefects, vicars and governors for *tituli largitionales* see *CJ* x. xxiii. 4, 468, praecipimus ut si forte delegatio quae ab amplissima praefectura in diversas provincias ex more quottannis emittitur minus contineat omnes largitionales titulos aut quomodo exactio eorum debet procedere, nihilominus competentem a viris spectabilibus tam proconsulibus quam vicariis et viro spectabili comite Orientis et praefecto Augustali necnon rectoribus provinciarum eorumque officiis et curialibus omnium largitionum titulorum exactionem procurari.

60. Val. III, *Nov.* xv (444).

61. STIPENDIUM: Pan. Lat. III. 1. 4, nam cum me aerarium publicum curare voluisti, . . . idque eo tempore quo exhaustae provinciae partim depraedatione barbarica partim non minus exitiis quam pudendis praesidentum rapinis ultra opem imperatoris exposcerent, milites saepe anteaetis temporibus ludo habiti praesens stipendium flagitarent (Mamertinus was *CSL*, Amm. xxi. viii. 1); Amm. xx. xi. 5, ibi tunc forte Ursulus praesens qui aerarium tuebatur dolore percitus exclamavit, en quibus animis urbes a milite defenduntur, cui ut abundare stipendium possit imperii opes iam fatiscunt, xxvi. viii. 6, Venustus quidem largitionum apparitor sub Valente multo ante Nicomediam missus ut aurum susceptum stipendii nomine militibus per Orientem diffusis viritim tribueret. For donatives see ch. XVII, n. 33. THE CARRIAGE: Symm. *Rel.* 20.

62. PROCURATORES MONETARUM: *Not. Dig. Or.* xiii. 18, *Occ.* xi. 38-44, *CTh* I. xxxii. 3, 377; Ammianus uses the term *praepositus* in xxii. xi. 9 but *procurator* in xxviii. i. 29. MONETARII: *CTh* x. xx. 1, 317, monetarios in sua semper durare condicione oportet nec dignitates eis perfectissimatus tribui vel ducenae vel centenae vel egregiatus, 10, 380, edicimus, ne qua mulier splendidioris gradus monetarii adhaerens consortio decus nativae libertatis amittat. quod si quam ab hac praeceptione statutum nostrae perennitatis abduxerit, ea secundum auctoritatem senatus consulti Claudiani vel legitima admonita conventionem discedat vel, si complexui monetarii putaverit inhaerendum, non ambigat se et liberis praeiudicaturam et eius condiconi esse nectendam, 16, 426; Julian, *Misop.* 367d, δέδωκα οὖν ὑμῖν καὶ ἀπὸ τῶν ἐπιτροπενσάντων τοὺς θησαυροὺς τοὺς ἐμοὺς καὶ ἀπὸ τῶν ἐργασαμένων τὸ νόμισμα τοὺς πλουσιωτάτους ἐλομένους ἔχειν. CHARCOAL: *CTh* xi. xvi. 15, 382, carbonis quoque, nisi eum, quem moneta sollemniter vel fabricatio secundum veterem morem poscit armorum, ab

huiusmodi viris praebitio desistat, 18, 390, carbonis ab eo inlatio non cogetur nisi vel monetalis cusio vel antiquo more necessaria fabricatio poscit armorum.

63. See pp. 838-9.

64. *CTh* XII. vi. 12, 366, nulla debet esse causatio, quin solidi ex quocumque titulo congregati, sicut iam pridem praecepimus, in massam obryzae soliditatemque redintegrentur, 13, 367, quotienscumque solidi ad largitionum subsidia perferendi sunt, non solidi, pro quibus adulterini saepe subduntur, sed aut idem in massam redacti aut, si aliunde qui solvit potest habere materiam, auri obryza dirigatur, pro ea scilicet parte, quam unusquisque dependit, ne diutius vel allecti vel prosecutores vel largitionales adulterinos solidos subrogando in compendium suum fiscalia emolumenta convertant.

65. DIOCLETIAN'S COINS: H. Mattingly, *Roman Coins*<sup>2</sup>, 217. SOLIDI: *CTh* XII. vi. 13, 367. SILVER COINS: *CTh* XV. ix. 1, 384, nec maiorem argenteum nummum fas sit expendere quam qui formari solet cum argenti libra una in argenteos sexaginta dividitur. Soz. V. 15, τῶν δημοσίων ἐριουργῶν καὶ τῶν τεχνιτῶν τοῦ νομίσματος, οἱ πλῆθος ὄντες καὶ ἐς δύο τάγματα πολυάνθρωπα διακεκοιμένοι ἐκ προστάγματος τῶν πρὶν βασιλέων ἅμα γυναιξὶ καὶ οἰκείοις ἀνὰ τὴν Κόζικον διέτριβον, ἔτους ἐκάστου ἀποφορὰν τῷ δημοσίῳ κατατιθέντες, οἱ μὲν στρατιωτικῶν χλαμύδων, οἱ δὲ νεουργῶν νομισμάτων.

66. Anon. *de rebus bell.* iii, *CTh* IX. xxi. 1, 319, 2, 321, 3, 326, 4, 329, 5, 343, 9, 392 (S), 10, 393, si quis super cudendo aere vel rescribto aliquo vel etiam adnotatione nostra sibi eripuerit facultatem, non solum fructum propriae petitionis amittat, verum etiam poenam quam meretur excipiat.

67. MINTS: H. Mattingly, *Roman Coins*<sup>2</sup>, 211-14, *Not. Dig. Occ.* xi. 38-44.

68. J. P. C. Kent in *Essays in Roman coinage presented to Harold Mattingly* (edd. R. A. G. Carson, C. H. V. Sutherland), pp. 198-204. For the later mints see W. Wroth, *Catalogue of the Imperial Byzantine Coins in the British Museum*. For the moneyers of the *largitiones* see *CTh* VI. xxx. 7 (= *CJ* XII. xxiii. 7 §9), 384, aurifices solidorum, and *P. Dip.* 120, palatinus sacrarum largitionum et monetarius auri.

69. I am convinced by Sture Bolin's analysis of the Diocletianic monetary system in *State and Currency in the Roman Empire to 300 A.D.*, ch. XII.

70. See Bolin, *loc. cit.*

71. *Ec. Hist. Rev.* v (1953), 317-8, *JRS* XLIX (1959), 34. NEW COPPER ISSUES OF 348: R. A. G. Carson, P. V. Hill and J. P. C. Kent, *Late Roman Bronze Coinage*, 324-498, p. 41. LAW OF 356: *CTh* IX. xxiii. 1, 356. LAW OF 395: *CTh* IX. xxiii. 2. For a historical and metrological study of fifth century *minimi* (AE4) see H. L. Adelson and G. L. Kustas, 'A bronze hoard of the period of Leo I', *American Numismatic Society, Museum Notes* IX. 139-88.

72. For the temple treasures see ch. III, n. 33. THE TREMISSIS: J. W. E. Pearce, *Roman Imperial Coinage*, IX. xxvi, 205. THE SILVER COINS: *ibid.* xxvi, ff.

73. SILVER PRICES: *P. Thead.* 33, *P. Oxy.* 1653; cf. Bolin, *op. cit.*, pp. 311-3 (4 aurei per lb. under Diocletian); *Sb* 6086, cf. *Num. Zeitschr.* N.F. VI (1913), 161 ff., 219 ff. (4 solidi per lb. in the early fourth century); *CTh* XIII. ii. 1, 397, iubemus, ut pro argenti summa, quam quis thesauris fuerat inlaturus, inferendi auri accipiat facultatem, ita ut pro singulis libris argenti quinos solidos inferat. In the early fifth century the rate was apparently 4 solidi,

*CTh* VIII. iv. 27, 422, pro singulis libris argenti quas primipilares viris spectabilibus ducibus sportulae gratia (cf. law 9) praestant, quaterni solidi praebeantur, si non ipsi argentum offerre sua sponte maluerint. This may however have been a special concession; 5 solidi was the official rate in the reign of Justinian (*CJ* x. lxxviii. 1). It is significant that the accession donative is constantly stated to be 5 solidi plus one pound of silver until Tiberius Constantine, who by converting the silver at 4 solidi to the pound made it 9 solidi (Joh. Eph. *HE* III, 11). The amount in the treasuries under Leo is stated separately in gold and silver by Joh. Lydus, *Mag.* III. 43 and Candidus, 2 (Proc. *BL* I. vi. 2, estimates the total in terms of gold). The concentration on gold began under Valentinian and Valens (see p. 148).

74. See *Ec. Hist. Rev.* v. (1953), pp. 307-9: to the documents there cited may be added *P. Oxy.* 2267, where 3,200 myriads are equated with 7 solidi under Evagrius *CRP*, who was executed in 361 (*Amm.* xxii. iii. 7).

75. One may conjecture that *centenionales* were so called because they were originally tarified at 100 denarii.

76. Val. III, *Nov.* xvi, 445, hoc ergo edicto agnoscat universitas capitale manere supplicium, si quisquam vel domini patris mei Theodosii vel sacrarum necessitudinum nostrarum vel superiorum principum solidum aureum integri ponderis refutandum esse crediderit vel pretio minore taxaverit . . . quo praecepto etiam illud in perpetuum volumus contineri, ne umquam intra septem milia nummorum solidus distrahatur emptus a collectario septem milibus ducentis; cf. *Ec. Hist. Rev.* v (1953), pp. 309-10. For the *folles* see *JRS* XLIX (1959), pp. 34-8.

77. For payment of *stipendium et donativum* in denarii see ch. XVII, n. 31 and for the transformation of the *capitatio* ch. II, nn. 49 and 50. VALENS' LAW: *CTh* IX. xxi. 7, 369, quidquid ex auro hominum privatorum in monetis publicis reppereris figuratum, id omne nostris scias largitionibus vindicandum, si quidem ipse se dignum condemnatione iudicavit, quisquis aurum proprium non coactus monetis fiscalibus sponte credidit inferendum. He mitigated this judgment five years later; *CTh* IX. xxi. 8, 374, solitae moderationis arbitrio superiorem sententiam mitigamus, qua omne aurum, quod a privatis profiguratione monetis dicebatur inlatum, fisci iusseramus commodis vindicari, ut pro omni summa, quae brevibus tenetur inserta, binae per singulas libras ommissa frustratione unciae conferantur.

78. PECUNIA IN USU PUBLICO CONSTITUTA: *CTh* IX. xxiii. 1, 356. VALENTINIAN I'S LAW: *CJ* XI. xi. 2 (371-3), pro imminutione quae in aestimatione solidi forte tractatur omnium quoque specierum pretia decrescere oportet.

79. *Symm. Rel.* 29, vendendis solidis, quos plerumque publicus usus exposcit, collectariorum corpus obnoxius est, quibus arca vinaria statutum pretium subministrat. huic hominum generi taxationis exiguae vilitate nutanti divus frater numinis vestri tantum pro singulis solidis statuit conferendum quantum aequitas illius temporis postulabat, ddd. imppp., sed paulatim auri enormitate crescente vis remedii divalis infracta est, et cum in foro venalium rerum maiore summa solidus censeatur, nummulariis pretia minora penduntur. petunt igitur de aeternitate vestra pro ratione praesenti iusta definitionis augmenta, qui iam tanto oneri sustinendo pares esse non possunt. The curious title of provincial gold buyer (*ἐθνικός χρυσώτης*) borne by the *tabularius titulorum largitionum* in the Egyptian provincial offices (see n. 59) suggests that his

original function was to buy solidi against issues of copper from the money changers of the provinces. For a forced purchase of gold from the cities of Egypt in the early fourth century see *P. Oxy.* 2106.

80. P. Grierson, *JRS* XLIX (1959), 73-80.

81. P. Grierson, loc. cit. Justinian's change in the exchange rate is recorded by Proc. *HA* xxv. 11, 12, τῶν γὰρ ἀργυρομοιβῶν πρότερον δέκα καὶ διακοσίους ὀβολούς, οὗς φύλλεις καλοῦσιν, ὑπὲρ ἐνὸς στατήρος χρυσοῦ προλεσθαι τοῖς ξυμβάλλονσιν εἰωθότων, αὐτοὶ ἐπιτεχνώμενοι κέρδη οἰκεῖα ὀγδοήκοντα καὶ ἑκατὸν μόνους ὑπὲρ τοῦ στατήρος δίδοσθαι τοὺς ὀβολοὺς διετάξαντο. That the *folles* was the XL (M) piece is proved by the Slavonic version of Malalas (M. Spinka and G. Downey, *The Chronicle of John Malalas*, p. 121, 'forty silver pieces which the Antiochenes call one *folles*').

82. For the silver coins see W. Wroth, *Catalogue of the Coins of the Vandals, Ostrogoths and Lombards in the British Museum*, xxii, 8-9, 11-15, 115-16.

83. Both points are made by Marcellinus Comes, 498 (*Chron. Min.* II. 95); nummis quos Romani teruncianos vocant, Graeci follares, Anastasius princeps suo nomine figuratis placabilem plebi commutationem distraxit.

84. PECUNIA: Aug. *Serm.* 127 §3, ad aliquid ergo magnum et pretiosum comparandum parares aurum vel argentum vel pecuniam, vel fructus aliquos pecorum aut frugum. BUYING AND SELLING SOLIDI: Anon. *de Rebus Bell.* iii. 1, ementis enim eundem solidum fraudulenta calliditas et vendentis damnosa necessitas difficultatem quandam ipsis contractibus intulerunt, ne rebus possit interesse simplicitas, Aug. *Serm.* 389 §3, cum solidum, ut assolet, vendidisset, centum folles ex pretio solidi pauperibus iussit erogari, *CTh* ix. xxii. 1 (see below), Symm. *Rel.* 29 (cited in n. 78), *CTh* xii. vii. 2 (see below), Val. III, *Nov.* xvi (cited in n. 75). LARGE AND SMALL SOLIDI: *CTh* ix. xxii. 1, 343 (S), omnes solidi, in quibus nostri vultus ac veneratio una est, uno pretio aestimandi sunt atque vendendi, quamquam diversa formae mensura sit. nec enim qui maiore habitu faciei extenditur, maioris est pretii aut qui angustiore expressione concluditur, minoris valere credendus est, cum pondus idem existat. ZYGOSTATAE: *CTh* xii. vii. 2, 363, emptio venditioque solidorum, si qui eos excidunt aut deminuunt aut, ut proprio verbo utar cupiditatis, adrodunt, tamquam leves eos vel debiles nonnullis repudiantibus inpeditur. ideoque placet quem sermo Graecus appellat per singulas civitates constitui zygotaten, qui pro sua fide at queindustria neque fallat neque fallatur, ut ad eius arbitrium atque ad eius fidem, si qua inter vendentem emptoremque in solidis exorta fuerit contentio, dirimatur.

85. PACHOMIUS: *V. Pach.* 33-4. HYMETIUS: Amm. xxviii. i. 17-8. For violent fluctuations in the prices of corn and other agricultural products see the interesting figures given in Josh. Styl. 26, 39, 43, 45, 46, for a succession of years in Mesopotamia.

86. ANTIOCH: Julian, *Misop.* 369.

87. COMMUTATION RATES: at 40 *modii*, Val. III, *Nov.* xiii §4, 445, *P. Cairo*, 67320; at 10 *artabae*, *P. Oxy.* 1909, 1920, *SEG* VIII. 355 (in *P. Oxy.* 1907 the rate is as high as 9½ *artabae*). EGYPTIAN MARKET PRICES: A. C. Johnson and L. C. West, *Byzantine Egypt: Economic Studies*, 176-8. MESOPOTAMIA: Josh. Styl. 26. ITALY: Anon. Val. 73. Contrast Cass. *Var.* x. 27, xii. 27-8, where in Liguria during a scarcity the market price rises to 10 *modii* for the solidus,

and the government sells wheat from the public granaries at 25 *modii* to the solidus.

88. MEAT: Val. III, *Nov.* xiii §4, 445 (Numidia), xxxvi §2, 452 (Italy), *P. Cairo*, 67320 (cf. *JHS* LXXI (1951), 271), *P. Oxy.* 1920 (Egypt).

89. OIL: *P. Oxy.* 1753, 1920, 2052, *P. Baden*, 95. WINE: Val. III, *Nov.* XIII §4, 445, *P. Cairo*, 67320.

90. ANNONA RATES: Val. III, *Nov.* xiii §4, 445, *CJ* I. xxvii. 1 §§22-38, 534, Just. *Ed.* xiii §18, 539. RATION SCALES: *P. Oxy.* 1920, 2046, 2196; cf. ch. XVII, n. 44. 80 LB. OF BREAD FROM 1 ARTABA: *P. Oxy.* 1920.

91. THE BARRISTER'S SERVANT: *P. Strassb.* 40. THE NUNS AT OME: Greg. *Ep.* VII. 23.

92. UNIFORMS: *CTb* VII. vi. 4, 396, *PRG* v. 61, D5. CLOTHES: Joh. Moschus, 116, 192, *V. Mel.* 8, *P. Strassb.* 40. BLANKETS: *V. Job. Eleem.* 21, Greg. *Ep.* VII. 23.

93. MONKS: *Itin. Hier. Theodosius*, 20. THE BATH ATTENDANT: *V. Job. Eleem.* 1. In *P. Oxy.* 2008, a rent collector received a salary of 3 solidi 8 carats, but he no doubt had perquisites. For wages rates in the building trade see ch. XXI, n. 82. CHILDREN: *Lex Vis.* IV. IV. 3; cf. *CJ* VII. vii. 1, 530. From Malalas, 439-40, it appears that Eulalius, a rich man who had been ruined (he died worth only 564 solidi), thought 15 *folles* a day (equivalent to 30 solidi a year at the rate of 180 *folles* to the solidus) an adequate income to maintain his three daughters until they married, when they were to get 10 lb. gold each as dowry.

94. For *annona* see ch. XII, n. 14. From Just. *Nov.* viii, *Notitia*, it appears that those who received *dignitates* paid a fee τῇ τάξει τῶν ἐνδοξοτάτων ἐπάρχων ὑπὲρ προστάγματος. This was probably a warrant entitling him to draw his *annona* (cf. Joh. Lydus, *Mag.* III. 30, τὸ πρόσταγμα τῶν ἀννωνῶν). Cf. also for distribution of *annonae* *CTb* I. v. 5, 355, inter cetera solita perpetrari plerique dividere arbitrio suo annonarias species deteguntur, quod nulli omnino fas est praeter sublime fastigium praefecturae. nullus igitur iudex sine auctoritate tua in speciebus annonariis erogandis habeat facultatem, 6, 357 (S), nullum patimur praefectorum in aliena dioecesi emolumenta annonaria erogare, 7 (357), citra nostra praecepta nulli annonas cognoscas esse praebendas. From Just. *Ed.* xiii §§4-6 and 7-8, it is clear that the Augustal prefect of Egypt was responsible to the praetorian prefect of the East for collecting the corn for Constantinople and the freight money (ναῦλα). Many earlier laws in *CTb* XIII. v addressed to the praetorian prefects show that they were responsible for the shipment of the corn and the emoluments of the *navicularii*; note especially laws 14, 371, 32, 409. For the *cursus publicus* see ch. XII, n. 14; cf. *CTb* VIII. v. 31, 376 (S) (*annonae* of staff), 34, 377 (levy of animals), 60, 400, XI. i. 9, 365 (fodder). For the arms factories and public works see ch. XII, nn. 8, 14.

95. From *CJ* x. xxiii. 4, 468, it appears that by this date at any rate the *tituli largitionales* were fixed by 'prisca et inveterata consuetudo'.

96. SCRINIA: Joh. Lydus, *Mag.* III. 5 (cited below), *CJ* XII. xlix. 10 (485-6) (mentioning the *numerarii*, *adiutores* and *chartularii* of the *scrinia* of Oriens, Asiana, Pontica and Thrace), 13 (mentioning the three ταβουλάριοι—i.e. *numerarius*, *adiutor* and *chartularius*—of the *scrinia* of Oriens, Pontus, and arms). The two *numerarii* of each *scrinium* are recorded in Bas. *Ep.* 142-3. TRACTA-



TORES: Bas. *Ep.* 144 (the earliest mention), *CJ* I. xlii. 1, XII. xlix. 10 §1 (485-6), 13 §§1-2, 1x. 6 pr. (485-6), Just. *Nov.* xxviii pr., 535, cxxxviii §1, 545, *Ed.* iv §1; cf. Joh. Lydus, *Mag.* III. 68, Malalas, 400. Though the language is sometimes ambiguous it is clear in most of these passages that there was one *τρακτηντής* for each province at Constantinople. In *Nov.* xxviii pr. Justinian remarks that the separation of Helenopontus and Pontus Polemoniacus was so incomplete that they still had one *tractator* between them (ὥς εἰς τὴν παροῦσαν ἡμέραν ἐνὶ τρακτηντῇ τῶν δημοσίων φόρων τε καὶ διατυπώσεων χρηθῆσαι τὰς χώρας ἀμφοτέρως). For *τρακτηνταί* in the provinces see below. CURAE EPISTULARUM: *Not. Dig.* Or. II. 67, Joh. Lydus, *Mag.* III. 4-5 κοῦρα ἐπιστολάρουμ Ποντικῆς δύο. ἀλλ' ἴσως ἂν τις οὐκ ἔξω λόγου πύθοιτο τὴν αἰτίαν ἐπιζητῶν, τίνος χάριν πασῶν τῶν διοικήσεων ἔχουσιν τοὺς καλουμένους κοῦρα ἐπιστολάρουμ τὸ πόλεως σκρινίον τό τε τῶν δπλων καὶ ἔργων οὐκ εἴληχε, 21, μεθ' ὃν οἱ τῶν διοικήσεων κοῦρα ἐπιστολάρουμ, οἱ τὰς μὲν ἐπὶ τοῖς δημοσίοις φοιτῶσας ψήφους γράφουσι μόνον, τὸ λοιπὸν καταφρονούμενοι. οἱ δὲ λεγόμενοι τρακτηνταί τὴν ἐγνωσμένην αὐτοῖς διδασκαλλὰν ὑποτιθέντες τῷ προστάγματι τὴν ὅλην ὑφήρπαζον ἐξουσίαν. THE MILITARY AND CORN PURCHASE DEPARTMENTS: Joh. Lydus, *Mag.* III. 38, τοῖς δὲ σκρινιαρίοις προστέθενται καὶ οἱ σίτου στρατιωτικοῦ οἰονεὶ ἀννωνιακοῦ προσετιγότες φροντισματος, οὐχ ὅτι καὶ αὐτοὶ μέρος ἐτύγγανον τῆς παλαιᾶς ὄψεως τοῦ δικαστηρίου, ἀλλ' ὅτι τῶν στρατηγικῶν παρωθηθέντων σκρινιαρίων καὶ τούτων συνέβη ἀποτελεσθῆναι τὸν κατάλογον . . . τοῦ γε μὴν σιτωνικοῦ ἀνέκαθεν ὑπὸ τὴν πολιαρχίαν τελούντος, δυνάμει δὲ καὶ ἀθθεντία τοῦ βδελυροῦ Καππαδόκου . . . ἀπαρεθέντος . . . μόνος Γαβριήλιος πολιαρχῶν ἀποκατέστησεν ἐκείνῳ τῷ δικαστηρίῳ. As the list of *scrinia* given in III. 5 is evidently meant to be complete, these two departments, which had recently been transferred from the offices of the *magister militum* and *praefectus urbi*, were evidently not entitled *scrinia*. For the former cf. Just. *Ed.* xiii. §13, διὰ τοῦ σκρινιαρίου τῆς σῆς ὑπεροχῆς ὃν ἐκ τοῦ τὰ στρατιωτικά διοικεῖν στρατιωτὸν καλοῦσιν Αἰγύπτῳι (evidently the provincial representative of the military department of the praefecture). The *σιτωνικόν* is presumably the fund mentioned in *CTh* XIV. xvi. 1, 409, 3, 434. GENERAL AND SPECIAL BANKS: Just. *Ed.* xiii. §59, τῶν εἰς ἑκατέραν τράπεζαν εἰσφερομένων τοῦ δικαστηρίου τῆς σῆς ὑπεροχῆς, τὴν τε ἰδικὴν καὶ τὴν γενικὴν, 12, ταῖς εἰσπράξεσι τῆς γενικῆς καὶ ἰδικῆς τραπέζης, 21, τὸν τῆς ἰδικῆς καὶ γενικῆς τραπέζης τοῦ δικαστηρίου τῆς σῆς ὑπεροχῆς, *Nov.* cxlviii §1, cf. Joh. Lydus, *Mag.* III. 36, λογοθῆται [τῆς τε ἰδικῆς] καὶ γενικῆς τραπέζης διοικηταί, *Evagr.* III. 39 (cited in n. 53). The *arca* of the prefects is apparently first mentioned in 382 (see n. 124), next in 392; *CTh* VII. iv. 19, officiorum annonae dispositione providentissima his provinciis distributas, quae nec transvectioni publicae nec arcae possunt aliquod deferre compendium, conprobamus.

97. ILLYRICUM: *Not. Dig. Or.* III. 26, numerarii quattuor, in his auri unus, operum alter, 28, cura epistularum, *CJ* XII. xlix. 12, numerarius scrinii Macedoniae et scrinii Daciae et scrinii operum et scrinii auri, Sim. *Metaphr. J. Demetrii Miracula* I. xii. 97, τὴν ἔντιμον στρατίαν τοῦ Λακικοῦ καλουμένου σκρινίου τῶν ὑπερλάμπρων ὑπάρχων τοῦ Ἰλλυρικοῦ στρατευόμενος. GAUL: *Not. Dig. Occ.* III. 44, 46. ITALY: *ibid.* II. 49, 511; it had a *scrinium curae militaris*, Cass. *Var.* XI. 24. AFRICA: *CJ* I. xxvii. 1 §§22-3, 36-7; it had no *curae epistularum*.

98. VICARS: *Not. Dig. Or.* xxiii. 21-2, xxiv. 26-7, xxv. 32-3, *Occ.* xx. 19, 22, xxi. 19, 22, xxii. 43, 46, xxiii. 19, 62. PRAEFECTUS ANNONAE AFRICAE: *Not. Dig. Occ.* II. 41, *CTh* XI. xxx. 4+XIII. v. 2+3, 314 (S), XIII. v. 12, 369, IX. 2 (372), cf. I. xii. 7, 400 (S), xv. 10, 379. PRAEFECTUS ANNONAE ALEXANDRIAE: *CTh* XII. vi. 3, 349, *Chr.* I. 433 (A.D. 380), *P. Oxy.* 2408 (A.D. 397), *P. Ryl.* 652. The office is not mentioned in *Not. Dig. Or.*, perhaps because it had been

suppressed; it had certainly vanished by the time of Justinian, being conspicuously absent in *Ed. xiii.* **PRAEFECTIANI IN THE PROVINCES:** *Amm. xvii. iii. 6, CTb xii. x. 1, 364 (S), I. xvi. 5, 365 (S), viii. viii. 4, 386, 5, 395, 9, 416, Maj. Nov. vii §16, 458.* They are called *canonicarii* in *Maj. Nov. ii §2, 458, CJ x. xix. 9, 496, Cass. Var. xi. 38, xii. 4, 7, 13, 16, Just. Nov. cxixviii §5, 545.* *Τρακτενται* in the provinces are clearly recorded in *Just. Ed. xiii §§9-12, 27, V. Eutych. 68, συνέβη πάντας τοὺς τὴν ἐπαρχίαν τοῦ Πόντου διοικοῦντας, τρακτεντάς φημι καὶ ἀντιτὰς τῶν δημοσίων, ἔτι γε μὴν καὶ τὰ τῆς μοδερατοριανῆς τάξεως ἐμπειπιστευμένους, ὁρμᾶσθαι τοὺς πάντας ἐκ τῆς Ἀραβισσηνῶν πόλεως,* and perhaps in *Cyr. Scyth. V. Sabae, 54, οἱ κατὰ καιρὸν τρακτενται καὶ βίνδικες τῶν κατὰ Παλαιστίνην δημοσίων, 73, κελεύσας τοῖς τρακτενταῖς Παλαιστίνης χρυσίων ὑποργῆσαι εἰς τὴν οἰκοδομήν.* Most of the *τρακτενται* mentioned in the sixth century seem to be local officials (e.g. *P. Cairo, 67329*), but the *μεγαλοπρεπέστατος τρακτεντής* of *P. Flor. 303* must be a *praefectianus* (cf. the *περίβλεπτοι τρακτενται* of *IGLS 316* in Syria). *Ἐξπελλενται:* *CJ. x. xix. 9, 496, Just. Nov. cxixviii §6, 545;* the title also applied in sixth century Egypt to local officials (*P. Flor. 291, P. Lond. 1038, 1703, P. Cairo, 67054, 67105*).

99. **JULIAN AND FLORENTIUS:** *Amm. xvii. iii. 2, cumque Florentius praefectus praetorio cuncta permensus, ut contendebat, quidquid in capitatione deesset ex conquisitis se supplere firmaret, talium gnarus animam prius amittere quam hoc sinere fieri memorabat . . . ob quae praefecto praetorio ferri non posse clamante se repente factum infidum, cui Augustus summam commiserit rerum, Iulianus eum sedatius leniens, scrupulose computans et vere, docuit non sufficere solum verum etiam exuberare capitationis calculum ad com meatuum necessarios apparatus.* **CONSTANTIUS II'S LAW:** *CTb xi. xvi. 7, 356, 8, 357 (S)* placet nullum omnino iudicem de cetero provincialibus inferendum aliquid indicere, ut ea tantum sedulo cunctorum studio pensitentur, quae canonis instituti forma complectitur vel nostra clementia decernit inferenda vel delegatione sollemniter sanciente vel epistulis praecedentibus. sed si quid urgere forsitan coeperit, referri ad celsitudinem tuam statuimus et auctore te fieri et eo persoluto referri ad scientiam nostram, ut nobis iubentibus roboretur. de ceteris quae prospici oportet ante plurimum temporis, insinuetur nobis tempore indictionis ex more promendae. quippe suggerit ratio eius omnia serie contineri; cf. *I. xxviii. 1, 361, praesertim cum ea tantum solvi oporteat, quae vel in delegatione manu nostrae mansuetudinis adnotantur vel a praefectura pro rerum necessitatibus postulatur.* **JULIAN'S LAW:** *CTb xi. xvi. 10, 362, nihil provincialibus indici sine nostra scientia fas est neque rursus ex his quae sunt indicta referri. omnia igitur, quae consuetudo vel dispositio nostra amplectitur, hoc est cursum publicum, translationes, itinerum sollicitudines ceteraque similia cuncti possessores implere pariter compellantur.* **VALENS' LAW:** *CTb xi. xvi. 11, 365, nihil a provincialibus extraordinaria patimur indictione deposci. caveat igitur magnifica auctoritas tua, ne praeter ea, quae a mansuetudine nostra patuerit indicta, tenuiorum oneret functionem; ut, si quis usurpatoria temeritate amplius aliquid fuerit conatus exigere, obnoxius quadrupli repetitione teneatur. quae severitas iussionis ad ordinariorum iudicum officiorumque terrorem debet excurrere, ut, si eorum vel gratiosa coniventia vel ignobili dissimulatione temeritas admisit curialis, eos quoque damni similis poena castiget.* **GRATIAN'S LAW:** *CTb xi. vi. 1, 382, nihil superindictorum nomine ad solas praefecturae litteras quisquam provincialis exsolvat neque ullius omnino indictionis titulis etiam sollemnis imminet, nisi eum nostro confirmata iudicio et imperialibus nexa praeceptis sedis amplissimae deponat indictio et cogat exactio.*

100. Most early laws (*CTh* xi. xvi. 1, 318 (S), 2, 323, 4, 328, 9, 359, 12, 380, 13, 382) mention only *extraordinaria*, which appear to include everything beyond the indiction; cf. *tit. cit.* 2, 323, ab extraordinariis omnibus fundi patrimoniales adque enfyteuticarii per Italiam nostram constituti habeantur immunes, ut canonica tantum et consueta dependant ad similitudinem per Africam possessorum; 13, 382, privatae rei nostrae privilegiis permanentibus nihil extra ordinem praedia iure perpetuo consignata sustineant neque adiectis saepius ac praeter primum delegationis canonem postulatis adficiantur impendiis. Law 5 (343, privatas res nostras ab universis muneribus sordidis placet esse immunes neque earum conductores nec colonos ad sordida vel extraordinaria munera vel superindictiones aliquas conveniri), goes into more detail, and law 6 (346) mentions *temonaria onera* as well as *extraordinaria*; in xv. ii. 1, 330, both *superindicta* and *extraordinaria* are mentioned. THE LAWS OF 382 AND 390: *CTh* xi. xvi. 15, 18, ac ne in occulto lateat quae sit, munerum enumeratio sordidorum vocabulis ipsis signata respondet. eius igitur patrimonium, quem ab his obsequiis lex nostra defendit, cura conficiendi pollinis non habebit; nullam excotionem panis agnoscet; nulla pistrinis obsequia dependet; operas atque artifices non praebebit; excoquendae ab eo calcis sollicitudo cessabit; non conferendis tabulatis obnoxia, non lignis, indultam quoque materiem sub eadem exceptione numerabit; nulla paraveredorum et parangariorum praebitione pulsabitur exceptis his, quas Raetiarum limes, expeditiones Illyricae, quas pastus translatio militaris vel pro necessitate vel pro sollemnitate deposcunt; carbonis ab eo inlatio non cogetur, nisi vel monetalis cusio vel antiquo more necessaria fabricatio poscit armorum; nullam sollicitudinem publicarum aedium vel sacrarum constituendarum reparandarumve suscipiet; nulla pontium vel viarum constructione retinebitur; temonis sive capituli onera non sentiet; allectis atque legatis nihil in sumptuum conlatione numerabit. After this date *sordida munera* are generally mentioned as well as *extraordinaria* or *superindicta* or both, e.g. vi. xxvi. 14, 412, xvi. ii. 40, 411 (S). On roads see *CTh* xv. iii. 3, 387, 4, 399, 6, 423. For superindictions voted by city councils see *CTh* xi. xvi. 11 (cited in n. 99) and xv. i. 33, 395, praecipua nobis cura est, ne aut provinciales nostri superindictionibus praegraventur aut opera publica pereant vetustate conlapsa. singuli igitur ordines civitatum ad reparationem moenium publicorum nihil sibi amplius noverint praesumendum praeter tertiam portionem eius canonis, qui ex locis fundisque reipublicae quotannis conferri solet, sicut divi parentis nostri Valentiniiani senioris deputavit auctoritas.

101. JULIAN: Amm. xvi. v. 14, quod profuerit anhelantibus extrema penuria Gallis hinc maxime claret, quod primitus partes eas ingressus pro capitibus singulis tributum nomine vicenos quinos aureos repperit flagitari, discedens vero septenos tantum munera universa complentes. INCREASE OF INDICATION: Them. Or. viii. 113, αἰ γὰρ ἐπεδίδον τὸ μέγεθος τῶν εἰσφορῶν ὅσα ἔτη, καὶ τὸ παρελθὼν ἔτος αἰ τοῦ παρόντος κουφότερον ἦν, καὶ βαρύτερον ἀμφοῖν τὸ προσδοκώμενον. ταύτην τὴν κακὴν αὔξησιν καταλαβόντες πρῶτον μὲν ἐστήσατε ἀπροσδοκῆτως, καὶ τρεῖς ἐφεξῆς ἐνιαιτούς οὐ προῦβη τὸ νόσημα, ὥσπερ εἰώθει, τῷ τετάρτῳ δὲ τὴν ἴσιν μοῖραν παρελύσατε τῆς βαρύτητος, καὶ ἀνεγνώσθη γράμματα ἀπιστούμενα, λειτουργήσεις ἐλάττους τόσους καὶ τόσους μέδιμνος καὶ οἶνον κοτύλας, καὶ τὰ λοιπὰ ἐξ ἴσης ἀποδέοντα τοῦ συνήθους . . . οἱ μὲν αἰ κατὰ χολνικὰ προστιθέντες ἔλαβον ἐν τεσσεράκοντα ἔτεσιν εἰς διπλάσιον τὰς εἰσφορὰς περιστάντες, σοὶ δέ, εἰ κατὰ γνώμην ἐκβαίνει τὰ μέτρα τῆς ἐπανόδου, ἐξ ἡμισείας εἰς νέωτα λειτουργήσομεν. HONORIUS' LAW: *CTh* xi. v. 2, 416, omnes omnino quocumque ex titulo possidentes quod delegatio superindicti nomine videtur amplexa velut canonem cogantur inferre, et ne

qua sit dubietas, hac aperta definitione decernimus, ut id potius canonis vocabulo postuletur. nulla igitur domus vel sacri patrimonii vel enfyteutici iuris vel hominum privatorum, etiamsi privilegium aliquod habere doceantur, ab hac necessitudine seiuncta sit, quae iam non extraordinarium, ut hactenus, sed ipsis facientibus canonicum nomen accepit.

102. *CTh* xi. xxviii. 7, 413, 12, 418, xi. i. 33, 424, Val. iii, *Nov.* xiii, 445.

103. See ch. II, n. 45.

104. See ch. II, n. 46.

105. See ch. II, nn. 49-50.

106. For Theadelphia and Hermopolis see *JRS* XLIII (1953), 58-64. For Cyrrhus, Theod. *Ep.* (PG) 42, 47.

107. REGISTRATION OF CHANGE OF OWNERSHIP: *Chr.* i. 180, *P. Oxy.* 1887, *P. Würtz.* 18, 19, *P. Warren*, 3, *P. Cairo*, 67048, 67117-8, *P. Nessana*, 24, *P. Michael.* 33, *P. Ital.* 10-11 (p. 292), actores Pierii v.i.d. certum est nobis per praesentem Amantium decemprimum atque Gregorium v.d. chartarium traditionem nobis factam praediorum ss. nullo contradicente, et parati sumus singulis annis pro eadem praedia fiscalia competentia solvere. unde rogamus uti iubeatis a polyptichis publicis nomen prioris domini suspendi et nostri domini adscribi. NO CONVEYANCES SINE CENSU: *CTh* xi. iii. 1, 313 (S), 2, 327, iii. i. 2, 337, xi. iii. 3, 363, omnes pro his agris quos possident publicas pensitationes agnoscant nec pactionibus contrariis adiuventur, si venditor aut donator aput se conlationis sarcinam pactione illicita voluerit retinere, etsi necdum translata sit professio censualis, sed aput priorem fundi dominum forte permaneat, dissimulantibus ipsis, ut non possidentes pro possidentibus exigantur. SABINUS: *Sb* 7623, 7669-72, *P. Thead.* 54. 5, *P. Corn.* 19, 20 (298-302), *BGU* 917 (342), 1049 (348). JOHN: *P. Cairo*, 67117 (524), 67097, 67140, 67329, 67118 (547), *P. Lond.* 1686 (565), *P. Michael.* 42 (566). CENSITORES, ETC., BY REQUEST: *CTh* vi. iii. 2, 396, 3, 396, xiii. x. 8, 383, exaequationes censuum, quas consensus provinciarum, quas nostra responsa, quas censorum et peraequatorum officia, quas auctoritates denique ordinariarum et amplissimorum iudicum necessaria emendatione vel constitutione probaverant, inconcussa aeternitate permaneat; xiii. xi. 4, 393, qui fundum aliquem, velut afanticorum mole depressum, cupit aliquatenus relevari, omne nihilominus patrimonium suum admissio patiatu inspectore censer. quod quidem etiam ad singularum civitatum legationes convenit custodiri, ut scilicet omne territorium censeatur; vi. iii. 2, 396, si curia sibi censitorem vel peraequatorem voluerit postulare, sibi postulet, non senatui; 3, 396, sin vero curiales censitorem vel peraequatorem suis terris voluerint postulare, ab eorum petitione sit senatus alienus; xiii. xi. 9, 398 (legati Hierapolitanae civitatis), 15, 417 (possessionum dominus), 17, 417 (speciali impetratione diversis petitionibus), xi. i. 31, 412, x. iii. 7, 417, illut quoque pari diligentia statuimus, ut, si quis etiam rescriptum de nostris altaribus meruerit alium inspectorem loca debere discutere, subreptio ista vacuetur et illut valeat, quod probatissimi peraequatoris generalis electio, non specialis et gratiosa forsitan definivit ambitio, xi. xx. 5 pr., 424, 6 pr., 430, Th. ii, *Nov.* xxvi §1, 444, nullique deinceps copia relinquitur inspectores sibi specialiter expetendi, nisi secundum sanctionem nostram, quae ad viri inlustris et consularis Florenti suggestionem emissa est, ex communi civitatis aut provinciae desiderio postuletur, *CJ* x. xvi. 13 pr., 496, εὰν μὲν αἰτήσῃ ἐπαρχία ἢ πόλις κομφισμὸν λαβεῖν ψυχικῆς συντελέας ἢ ἐπόπτην ἢ ἐξισωτὴν πεμφθῆναι, ἀναφερόσθω μὲν ἡ

δέησις αὐτῶν εἰς βασιλέα, καὶ ἐξ ἐπιλογῆς αὐτοῦ ὁ ἐπιτήδειος πρὸς τοῦτο πεμπέσθω δοκον πρότερον διδούς. . . ὁ δὲ καθεὶς ἄνθρωπος δέησεις περὶ τοιούτων ἐννοιῶν μὴ ἐπιιδότων μῆτε δὲ κουνισμὸς ἢ μείωσις διηλεκῶς ἢ προσκαίρως μῆτε ἐποψία μῆτε ἐξίσωσις γινέσθω χωρὶς βασιλικῆς ἐγγράφου κελεύσεως. Theodoret (*Ep.* (PG) 42-7) pleads that a *peraequatio* of the territory of Cyrrhus made twelve years before be not rescinded. Basil (*Ep.* 198) alludes to a *peraequator* of Nicaea. Libanius (*Ep.* 1363) speaks of Julianus as conducting a *peraequatio* at Nicomedia and the same man acted at Nazianzus (Greg. Naz. *Or.* XIX, *Ep.* 67-8). Basil, *Ep.* 83, 284, 312-3, are concerned with the activities of *censitores*.

108. CONSCRIPTION LAWS: *CTh* VII. xiii. 6, 370, circa eos enim legis iubemus valere beneficium, qui indigenas atque ipsius provinciae finibus innutritos vel adfixos censibus vel ad crescentibus suis obtulerint iuniores; neque enim convenit illum inmunitate gaudere, qui vana oblatione vagi atque fugitivi vel veterani filii statum futurae conventionis inviserit. quod hactenus decernimus custodiri, ut oblati numerus ex ad crescentibus primitus reparetur ac, si compensatio non potuerit convenire neque ex minoribus modus, qui oblati fuerit, quiverit reparari, ita demum de publicis fascibus hi, qui ex superfluo veniunt, eximantur; 7 §3, 375, et quia publica utilitas quoque cogitanda est, ne sub hac indulgentia insertae capitationis numerus minuatur, ex incensitis adque ad crescentibus in eorum locum, qui defensi militia fuerint, alios praecipimus subrogari. LIABILITY FOR COLONI: *CTh* V. xvii. 1, 332, *CJ* XI. xlviii. 8 (371), 23 §5 (531-4). VILLAGES: *CTh* XIII. x. 7, 371, sicubi <in aliqua metromomia de> subscriptorum modo sorte fatali morientibus de scribto aliquid fuerit inminutum contraque in vicina vel contermina eius vel in eodem <territorio> vel ubilibet simili substantia ratione nascendi ultra conscribtorum numerus adcreverit, modus censuum int<er u>tra<m>que servetur, ut ex eo, qui superest, ille qui defuerit suppleatur. I restore *metromomia* because of the *querimonia defensorum vel plebeiorum* (not *possessorum*).

109. SCHEDULE OF VESTES: *CTh* VII. vi. 3 (cited in n. 56).

110. *CTh* XI. v. 3, 436, cum omnis hoc Aegyptiaci tractus possessoribus conducibile videatur, ut ante kal. Mai. praedelegatio manifestetur in locis, ne per ignorantiam conlatores ad anni prioris exemplum ante delegationem missam ea cogantur exsolvere, quae postmodum indebita missa delegatione forsitan provocavit eventus; scriniariis videlicet sedis excelsae modis omnibus ordinata salubriter impleturis, ita ut Augustaliani officii et cohortalis et defensoris discrimine in locis celeberrimis per dimenstruum tempus ad omnium perveniat notionem. Just. *Nov.* cxxviii §1, 545, ὅσα πρὸς ὠφέλειαν τῶν ἡμετέρων ὑποτελῶν ὁρᾷ σπουδάζοντες διαπραττέσθαι καὶ τὸν παρόντα τίθεμεν νόμον, δι' οὗ θεσπίζομεν, κατὰ τὸν Ἰούλιον ἦτοι Αὐγουστον μῆνα μιᾶς ἐκάστης ἐπινεμήσεως τὰς μερικὰς διατυπώσεις τῶν συντελειῶν τῆς μελλούσης ἐπινεμήσεως ἐν τῷ δικαστηρίῳ τῶν ἐκάστης διοικήσεως ἐνδοξοτάτων ἡμῶν ἐπαρχῶν πραττομένων ὑπομνημάτων φανεροῦσθαι, σημαίνουσας τὸ ὅπόσον ἐν ἐκάστῃ ἐπαρχίᾳ ἦτοι πόλει ὑπὲρ ἐκάστου ἰούγου ἢ ἰουλλίων ἢ κεντουρίων ἢ ἄλλω οἰκωδῆποτε ὀνόματι τοῦτο μὲν ἐν εἵδει τοῦτο δὲ ἐν χρυσίῳ δημοσίῳ ἐνεκεν ἐπίκειται, φανερούσας δὲ καὶ τῶν εἰδῶν τὴν ἀποτίμησιν κατὰ τὴν τράπεζαν καὶ τὴν ἐν ἐκάστῳ τόπῳ κρατοῦσαν συνήθειαν, καὶ τί ἐξ αὐτῶν εἰς τὴν ἄρκαν εἰσφέρεισθαι ἢ ἐν ἐκάστῃ ἐπαρχίᾳ δίδωσθαι ἢ δαπανᾶσθαι προσήκει. οὕτω δὲ συντιθεμένας τὰς τοιαύτας διατυπώσεις τοῖς τῶν ἐπαρχῶν ἄρχουσιν εὐθέως πέμπεσθαι ἐν προοιμίῳ ἐκάστης ἐπινεμήσεως, καὶ δι' αὐτῶν προτίθεσθαι ἐν ταῖς ὑπ' αὐτοὺς καθεστώσαις πόλεσιν ἐντὸς τοῦ Σεπτεμβρίου μηνὸς ἢ Ὀκτωβρίου. Some modern authors assume that the praetorian prefecture merely fixed totals for provinces or cities, and that it was left to the provincial or local authorities to share out the total between the taxpayers. The Novel cited

above is formal proof that in the sixth century the prefecture fixed the rate per *iugum*, etc., in detail, and the passage cited from Themistius in n. 101 shows that this was the practice in the fourth century. Additional assessments of various kinds were often apportioned (the technical term is *μερισμός*) on *capita* (see *JRS* XLVII (1957), 93) or on the taxpayers in proportion to their assessments (e.g. Cyr. Scyth. V. *Sabae*, 54).

111. The evidence for curial tax collectors is so enormous as to be not worth collecting; I have given some in my *Greek City*, p. 333, nn. 106-7. VILLAGE COLLECTORS AND THE PRAEPOSITUS PAGI: *P. Amb.* 139, *P. Cairo Isid.* 125, *P. Oxy.* 2124, 2232, *P. Thead.* 50, *PSI* 1106-7, *Sb* 7757; cf. *BGU* 21, *P. Amb.* 140, *P. Lond.* 1249, *P. Cairo Isid.* 71-3 for the corporate responsibility of the village; also tax receipts given by curial collectors to the village authorities, e.g. *P. Michael.* 21, *P. Cairo Isid.* 54. The evidence on villages is so far as I know confined to Egypt. EXACTOR CIVITATIS: *Greek City*, p. 332, n. 104, J. D. Thomas, 'The Office of Exactor in Egypt', *Chron. d'Egypte*, xxxiv (1959), 124-40. VALENTINIAN AND VALENS: *CTh* VIII. iii. 1, 364, vii. 8, xii. vi. 4, 5, 6, 7, 9, 365. See also pp. 146, 729. PONTIC LAW: *CTh* XI. vii. 12, 383. LANDS OF SENATORS: *CTh* VI. iii. 2, 3, 396, 4, 397. Cf. *Cass. Var.* II. 24-5 for senators' arrears under Theoderic. VINDICES: Joh. Lydus, *Mag.* III. 49, (Marinus) τὰ μὲν βουλευτήρια πασῶν παρέλυσεν τῶν πόλεων, ὑπεμπολῶν τοὺς ὑπηκόους παντὶ ὡς ἔτυχεν, εἰ μόνον αὐτῷ τὸ πλέον ὑπόσχοιτο, καὶ ἀντὶ τῶν ἀνέκαθεν στηριζόντων τὰ πράγματα βουλευτῶν προχειρίζεται τοὺς λεγομένους βίνδικας ('Ἰταλοῖς θεὸν ἀποκαλεῖν), οἱ παραλαβόντες τοὺς συντελεῖς οὐδὲν πολεμίων ἦσσαν τὰς πόλεις διέθηκαν, Malalas, 400, Μαρίνον τὸν Σύρον, ὅστις τοὺς πολιτευομένους ἅπαντας ἐπῆρε τῆς βουλῆς, καὶ ἐποίησεν αὐτ' αὐτῶν τοὺς λεγομένους βίνδικας εἰς πᾶσαν πόλιν τῆς Ῥωμανίας, *Evagr.* III. 42, περιεῖλεν δὲ καὶ τὴν τῶν φόρων εἰσπραξίν ἐκ τῶν βουλευτηρίων, τοὺς καλουμένους βίνδικας ἐφ' ἐκάστη πόλει προβαλλόμενος, εἰσηγήσει φασὶ Μαρίνου τοῦ Σύρου, *Just. Ed.* xiii §14, τὸν κατὰ καιρὸν βίνδικα τῆς Ἀλεξανδρέων, §15, Ποταμῶνος τηνικαῦτα τῶν δημοσίων τῆς Ἀλεξανδρέων προεστῶτος κατὰ τὸ τοῦ βίνδικος σχῆμα, *Nov.* xxxviii. pr., τοὺς ὀλεθρίους μισθωτάς οὓς δὴ βίνδικας καλοῦσι, cxxviii §5, εἴτε ἀρχοντες εἰεν εἴτε πολιτευόμενοι εἴτε ἐξάκτωρες εἴτε βίνδικες εἴτε κανονικάριοι ἢ ἄλλοι τινές, §8, οἱ πολιτευόμενοι ἡγουν ἐξάκτωρες ἢ βίνδικες ἢ ταξεῶται. *Vindices* of Tripolis and Anazarbus are mentioned in *Sev. Ant. Ep.* I. 9, 27, and of Antioch in *Chron. Pasch.* 626 (A.D. 532).

112. *CTh* XII. vi. 9, 365, verum in provinciis Africae tua sinceritas hoc ab his officium iubeat amoveri atque eos susceptores specierum annoniarum manere, quos ad hanc necessitatem vetus consuetudo constringit, maxime cum, si susceptores de curia dati aliquid vel negligentia vel fraude decoxerint, ad redintegrationem specierum, sicuti moris est, ordo qui creaverit possit artari, *PSI* 684, τὰ δύο με[γαλο]φυῆ ἡδικτα ὦν τὸ μὲν προστάττει μηδὲνα βουλευτικὸν φρόντισμα ὑπεισελ[θεῖν] ἄνευ ὀνομασίας τῆς βουλῆς, τὸ δὲ ἄλλο κατ' ἀναλογί[αν] τῆς ἐκάστου ὑποστάσεως τοὺς πολιτευομένους τὰς [πολιτ]ικὰς λειτουργίας ἐκ[τε]λ[εῖν], ὥστε ἡ Ταυρίνον ἐξωθεῖσθαι τῆς ἐξακτορ[ί]ας ἄνευ τ[οῦ] βουλευτηρίου κ[ατα]σταθέντα κατὰ τ[η]ν θ[ε]λ[αν] διάταξιν καὶ τὰ μεγαλοφυῆ ἡδικτα ἢ ἀναμερισμὸν γενέσ[θαι] κ[ατ'] ἀ[να]λογίαν τῆς ἐκάστου ὑποστάσεως εἰ εὐρεθείη [κα]τὰ γνώμην τῆς βουλῆς ὀνομασθεῖς.

113. COMPULSOR: *Maj. Nov.* II. 2, 458, hinc est, quod vetus providentia dispositioque maiorum, quam in omnibus sequimur atque reparamus, provincialibus iudiciis exequenda commisit, quibus adnitentibus per singularem municipes civitatum moderatione tractabili fiscalium tributorum celebraretur inlatio: quam si acerbius humilis notusque compulsor pro sui compendii utilitate tractaret, confestim depraedationibus vexatorum aditu audituque facilis provinciae cognitor subveniret, vii §14, 458, compulsor

tributi nihil amplius a curiali noverit exigendum quam quod ipse a possessore susceperit, qui ad hoc tantummodo perurgendus est pariter ut exigit et publicum debitorem ostendat atque convincat, *Marc. Nov.* ii §2, 450, curialis exactor vel cohortalis compulsor, cf. *Chr.* i. 281, 424 (letters from provincial governors to civic authorities sending or threatening to send an official to extract arrears). For the duties of the *canoniciarii* of the praetorian prefect see n. 98. EXTORTION: *Val. III, Nov.* i. 3 §2, 450, ubi trepidam provinciam talis discussor adierit stipatus calumniarum ministris, superbit elatus inter obsequia sumptuosa, expetit adminicula provincialis officii, scholares etiam saepe coniungit, ut multiplicato et hominum numero et officiorum, quantum avaritiae libuerit, terror extorqueat. prima sunt venientis exordia, ut proferat et revolvat super diversis numerosisque titulis terribiles iussiones: praetendit minutarum subputationum caligines inexplicabili obscuritate confusas, quae inter homines versutiarum nescios hoc amplius agunt, quo minus intellegi possunt. securitates expetunt annorum serie et vetustate consumptas, quas servare nescit simplicitas et fiducia nihil debentis. re vera enim aut, quoquomodo pereunt, quasi iusta contingit occasio depraedandi aut, si extant, redimendum est, ut ferantur accepto. ita fit, ut apud inprobum rei arbitrum merito noceat chartula, cum perit, nihil proficiat non perisse. innumerae deinde clades, saeva custodia, suspendiorum crudelitas et universa tormenta, quae interea, laetus et crudelitatis pertinax, egregius quaesitor expectat, *Maj. Nov.* ii §2, 458, nunc vero canonicarios superioris militiae auctoritate terribiles et in provincialium viscera et damna desaevientes nec arguere quisquam apud provincialium iudicem potest, cum resupinae adpariturae et totum sibi de superioris cinguli fastidio blandienti potestas provincialis examinis subiecta famuletur nec de longinquis provinciae regionibus cum magno sumptuum expensarumque detrimento ad comitatum nostrum venire audeat ille qui queritur, cui sub duro patientiae gemitu tolerabilior videtur depraedatio saevientis quam sub magno observationis incommodo sustinendus impetrandae ultionis eventus. On the conversion of arrears into private debts see *CTb* xi. xxviii. 10, 415, *Marc. Nov.* ii §2, 450, ne qua liberalitatem nostram caligo fraudis valeat impedire, etsi in privatum contractum vel in cautionem debitum publicum transisse vel novatum esse dicatur aut si quis curialis exactor vel cohortalis compulsor pro obnoxio se intulisse commemoret, nihilominus liberalitas nostra firma permaneat, *Maj. Nov.* ii §1, 458, ut quidquid ex praeteritis indictionibus usque in praesentem undecimam reliquorum est, quod vel apud possessorem residet vel in privatum, ut fieri interveniente versutia adsolet, nexum emissa curialibus vel canonicariis vel quibuslibet aliis cautione migravit, penitus non petatur. Cf. *Greg. Ep.* i. 42, qui dum de suo unde dare debeant non habent, ab actionariis publicis mutuo accipiunt et gravia commoda pro eodem beneficio persolvunt.

114. *CTb* xi. xix. 3, 364, i. 15, 367 (S), unusquisque annonarias species pro modo capitationis et sortium praebiturus per quaternos menses anni curriculo distributo tribus vicibus summam conlationis implebit. si vero quisque uno tempore omnia sua debita optat expendere, proprio in adcelerandis necessitatibus suis utatur arbitrio, *Maj. Nov.* ii §3, 458, et quia totum pro remedio possessoris serenitas nostra constituit, quem tributorum gratia solvendorum fruges suas sub opportunitate vendentem volumus per temporis intervalla refoveri, trina per annum vice singularum indictionum quantitas speranda solvatur et quadrimenstruis inlationibus annuae functionis celebretur exactio, *CJ* x. xvi. 13 §§5-7, *Cass. Var.* ii. 24, xi. 7, xii. 2, 16, *Greg. Ep.* i. 42, prima illatio burdationis.

115. In *Ed.* xiii §18 Justinian assumes that the *annona* of the *dux* and the *praeses* and of their *officia* and of the local troops ought to be provided from the revenues of Libya, and, as they did not suffice, transferred the cities of Mene-laites and Mareotes to that province. CURSUS PUBLICUS: *CTb* xi. i. 9, 365, tabulariorum fraudes se reseccasse per suburbicarias regiones vir clarissimus Anatolius consularis missa relatione testatus est, quod pabula, quae hactenus ex eorum voluntate atque arbitrio ad mutationes mansionesque singulas animalibus cursui publico deputatis repente atque improvisae solebant convehi, nunc in consilio ratione tractata pro longinquitate vel molestia itineris ab unoquoque oppido certo ac denunciato tempore devehi ordinavit. quod iubemus, ut etiam per omnes Italiae regiones pari ratione servetur. LIMITANEI: *CTb* xi. i. 11, 365, pro loco ac proximitate possessionum annona ad limitem transvehatur. quae iussio haut difficile capit effectum, si tabularii metu praesentium tormentorum a consuetis fraudibus arceantur, vii. iv. 15, 369, sicut fieri per omnes limites salubri prospectione praecipimus, species annonarias a vicinioribus limiti provincialibus ordinabis ad castra conferri, xi. i. 21, 385, nemo possessorum ad instruendas mansiones vel conferendas species excepta limitaneorum annona longius delegetur, sed omnis itineris ac necessitatis habita ratione, *CJ* xi. lx. 1, 385, Tiberianus ad possibilitatem singulorum quorumque locorum intuens statuit certas possessiones, quae ad limitem frumenta conveherent. quocirca generali lege sancimus Tiberiani dispositionem oportere servari.

116. The letters cited are *Chr.* i. 419, 420. PRAEPOSITI HORREORUM: *CTb* vii. iv. 1, 325, xii. i. 49 §2, 361, vi. 5, 8, 365, 24, 397, 33, 430. In Egypt these officials do not appear, their place being taken by *διαδόται*, distributors of *annona*, who took over the goods at the place of collection from the *ἐπιμεληταί* and conveyed them to their destination, and presumably distributed them to the quartermasters of the troops. See *Chr.* i. 422-3, *P. Oxy.* 1115; the letters cited in the text refer to *διαδόται*.

117. PRIMIPILI PASTUS: *CTb* viii. iv. 6, 358, primipilaribus, qui ad pascendos milites sollemniter ad limitem destinantur, gravia sustentibus detrimenta hoc modo credidimus consulendum, ut duces, qui multa eis extorquere firmantur, nomine munerum vel sportulae nihil amplius percipiant quam percipiebant patre nostro perennis memoriae regente rem publicam, ita ut species a primipilaribus ipsa praestetur nec in nummum aurumve dirigatur, ne super immensitate pretiorum necessitas conquerendi exsurgat. hac igitur remota iniuria idonei mittantur, qui ex more susceptis omnibus alimoniis militaribus easdem pervehere contendunt, actis apud rectorem provinciae conficiendis, per quae designabitur, quantus specierum modus in usum alimoniae militaris a primipilaribus praebeatur et quid ob munera ducibus mittenda vel sportulam, cuius habet notitiam officium praesidale, iv. 9, 368, secundum divi Juliani statuta sportula duci in quinquaginta libras argenti non ab uno primipilari, sed ab universis pariter inferatur nihilque amplius duces sportulae sollemnis praetextu conentur exculpere, 17, 385 (S), cum ante placuisset, ut a primipilaribus secundum dispositionem divi Gratiani species horreis erogandae comitatensibus militibus ex more deferrentur, limitaneis vero pretia darentur, nunc placuit, ut aurum ad officium inlustris per Illyricum praefecturae cum certa taxatione, id est pro octogenis libris laridae carnis, pro octogenis etiam libris olei et pro duodenis modis salis singuli solidi perferantur, 19, 396, in speciebus primipilaribus adaerandis eadem pretiorum taxatio servetur, quae in venalibus publicis poterit repperiri, 27, 422, pro singulis libris argenti, quas primipilares viris spectabilibus ducibus sportulae gratia praestant, quaterni



solidi praebeantur, si non ipsi argentum offerre sua sponte maluerint. That *primipilares* were retired *officiales* appears from many laws, e.g. *CTh* XII. i. 11, 325, VIII. vii. 6 (326-54), IV. 7, 361, 8, 364, 10, 365, VII. 12, 13, 372, XII. i. 79, 375, VII. XXII. 11, 380, I. VI. 8, 382, VIII. IV. 13, 382, 16, 389, XVI. V. 61, 423, *CJ* XII. LVII. 13 (442), 14, 471, I. III. 27, 466. The *primipilatus* was already a heavy financial charge as early as the reign of Caracalla; *CJ* VII. LXXIII. 1, cf. VIII. XIV. 4 (Carus), IV. IX. 1, XXXI. 11, XII. LXII. 3, 4 (Diocletian). Two inscriptions from Oescus in Dacia throw a dubious light on the earlier history of the institution; *AE* 1957, 287, pro salute adq. incolumitate dd. nn. Aug. Fl. Euforbii primipilarii leg. V Mac. ex Asia civitate Focia post pastum militum, 288 (similar except that the *primipilarius* is 'ex provincia Suria Palestina'). Legion V Macedonica was stationed at Oescus (*Not. Dig. Or.* XLII. 33), and it would appear that centurions of the legions at this time (286-93 or 340-50?) performed the *pastus* for their own units or armies; or was the retired *princeps officii* officially posted *primipilus* of the legion which he supplied? CALLINICUM: *Lib. Ep.* 21.

118. DELEGATORIAE: *CTh* VII. IV. 20, 393, nulli militarium pro his annonis, quae in provinciis delegantur, repudiata ad tempus specierum copia et inopiae occasione captata pretia liceat postulare, 22, 396, neque scholae neque vexillationes comitatenses aut palatinae neque legiones ullae neque auxilia, qualeslibet ad provincias delegatorias de specierum praebitione pertulerint, audiantur, si pretia poscant ultra ea, quae generali lege divi patris senioris Valentiniani constituta sunt. OPINATOR: *P. Oxy.* 2114, *CTh* VII. V. 1, 399, opinatores, quibus species in diversis provinciis delegantur, ut pretium maiore taxatione deposcant, contra omnem consuetudinem nullis consistentibus familiis excoctionem panis efflagitant, VII. IV. 26, 401, opinatoribus nullum sit cum provinciali commercium, ita ut a iudicibus vel officio provinciali omnis summa debiti postuletur intra anni spatium conferenda, XI. VII. 16, 401, missi opinatores cum delegatoris iudicibus eorumque officiis insistant, ut intra anni metas id quod debetur accipiant; nihil his sit cum possessore commune, cui non militem, sed exactorem, si sit obnoxius, convenit imminere, VII. IV. 34, 414, XI. I. 34, XII. I. 186, 429; in *Aug. Ep.* 268, an *opinator* collects arrears in gold from a taxpayer. For the palatine *officia* see *CTh* VII. IV. 19, 392 (S), officiorum annonas dispositione providentissima his provinciis distributas, quae nec transvectioni publicae nec arcae possunt aliquod deferre compendium, conprobamus (the *officia* here mentioned are obviously not the provincial and diocesan offices, about which there was no question); VII. IV. 35, 423, annonas omnes quae universis officiis atque sacri palatii ministeriis et sacris scriniis ceterisque cunctarum adminiculis dignitatum adsolent delegari quasque ii, qui ad earum exactionem mittuntur, pro cupiditate ac libidine sua graviter ex provincialium visceribus eruebant, ad similitudinem militum, quibus aerariae praebentur annonae, adaerari praecipimus. In *Cass. Var.* XI. 33, 35-7 we have *delegatoriae* authorizing the payment of their emoluments to the retiring *princeps*, *cornicularius* and *primiscrinii* of the praetorian prefecture from the revenues of Samnium, Campania and an unnamed province.

119. For the commutation of military *annona* see pp. 629-30. In the East the commutation of their *annonae* by provincial governors was still at the end of the fourth century unofficial and illicit (*Lib. Or.* LVII. 51, τοὺς ἀποδέκτας ἐπλεονέκτησεν ἐν ταῖς τίμαις ὧν βασιλεὺς ταῖς ἀρχαῖς ἐκ τῶν παρὰ τῆς γῆς αὐτῷ προσιόντων δίδωσι), and in the West even the salary of the praetorian prefect was at the same period still calculated in kind; see *Symm. Ep.* IV. 19, on behalf of Flavian,

son of the Flavian who was praetorian prefect under Eugenius, who 'solvere salarium patris iussus est, taxatione pretiorum graviter exaggerata', 51, also on behalf of Flavian, who 'paterni salarii aestimationem iubetur exsolvere'. Cf. also Symm. *Ep.* III. 33, on behalf of Marcianus, who had also held office under the tyrant, and is too poor 'ut annonarum pretia possit exsolvere'. The commutation of taxes began as an abuse and is prohibited in certain cases in *CTh* XI. i. 8, 364 (species urbis Romae), XI. ii. 2, 364 (S), I, 365 (vinum urbis Romae). In *CTh* XI. iv. 1, 372, however, it is assumed that landtax may be paid 'vel in pretiis vel in speciebus aut auro'. In *CTh* XI. i. 19 + XI. ii. 4, 384, it is ordained on the one hand that 'non sunt pretia specierum sed ipsae quae postulantur species inferendae', and on the other hand some tax is envisaged as being paid 'sub praestatione auraria'. According to Greg. Tur. *V. Patrum*, II. 1, Magnus Maximus conceded 'ut Arverna civitas quae tributa in specie triticea ac vinaria dependebat in auro dissolveret, quia cum gravi labore poenu inferebantur imperiali'. *CTh* XI. vii. 14, 393, speaks of a *collatio auri* collected by a curial *susceptor*; these may however be *tituli largitionales* on land (see n. 55), and not commutation of *annona*, and so may be the 'inlatio auri vel argenti' paid by *possessores* in *CTh* XI. i. 32, 412. On the other hand it is clear that *annona* was being commuted in Africa by 401 from *CTh* XII. vi. 28, 401, si apochae ad susceptores nomine militum deferantur, nihil ex ea pecunia intra provinciam tibi creditam prorogetur, quam sub testificatione gestorum ad instructionem provinciae Numidia vel Mauretaniae oportet integram pervenire, ut illic devotissimus miles emolumenta sibi debita ex integro consequatur; cf. XI. i. 34, 429, numquam dissimulatione iudicum pro compulsore aut opinatore Africanus possessor mittatur in praedam, sed quattuor mensum ab edicti publicati die indutiis datis aurum a possessore Capitolio studio spontanae devotionis sancimus inferri: ultra id tempus si tarditas adferatur, tunc militi debiti postulati delegandam esse rationem. From Val. III, *Nov.* XIII, 445, it appears that all landtax in Numidia and Mauretania, including military *annona*, was already in 445 regularly paid in gold, and from Maj. *Nov.* II §3 (cited in n. 114) it appears that in Italy by 458 all landtax was paid in money. Compulsory purchase is first mentioned in *CTh* XI. xv. 1, 361, and carefully regulated in XI. xv. 2, 384. For *coemptio* in Italy under the Ostrogoths and Justinian see Cass. *Var.* XII. 22, commeantium igitur attestazione didicimus Istriam provinciam a tribus egregiis fructibus sub laude nominatam divino munere gravidam vini olei vel tritici praesenti anno fecunditate gratulari, et ideo memoratas species in tot solidos date pro tributaria functione qui vobis de praesenti prima indictione reputentur. reliqua vero propter solemnes expensas relinquimus devotae provinciae. sed quoniam nobis in maiore summa sunt quaerenda quae diximus, tot solidos de arca nostra transmisimus, 23, atque ideo experientiam tuam . . . ad Istriam provinciam iubemus excurrere, ut in tot solidos vini, olei vel tritici species de tributario solido debeas procurare, in aliis vero tot solidis quos a nostro arcario percepisti tam a negotiatoribus quam a possessoribus emere maturabis; cf. II. 26, 38, and Ennod. *V. Epiph.* 358, Boeth. *Consol.* I. 4, for complaints about *coemptiones* under Odoacer and Theoderic; Just. *App.* VII §26. Under Maurice even the corn for feeding Rome was obtained by *coemptio* from Sicily; see Greg. *Ep.* I. 2, IX. 115, on the *sitonicum*, and I. 42, which shows that the *burdatio* (the regular land tax, it would appear) was collected in gold, since the *coloni* had to sell their crops to pay it.

120. For commutation of *annonae* see pp. 397, 566. COMMUTATION OF LANDTAX: *CTh* XI. i. 37, 436, quicumque per adnotationem nostram in auro voluerit tributa dependere, communicata aestimatione quinquennii, sterilitatis ac

fecunditatis pro foro rerum venalium habita ratione, ex eadem summa, quae eiusdem quinquennii perpensis frugibus colligitur, partem quintam pro annis singulis solvere compellantur; cf. *CTb* xi. xx. 6 pr., 430, Th. II, *Nov.* xxvi §§2, 3, 444, which speaks of estates which are *adaerata* (*levius*) by special grant, and Theod. *Ep.* (PG) 42, *μυρίων γὰρ καὶ πεντακισχιλίων ζυγῶν ἐπὶ τοῦ μεγαλοπρεποῦς τῆς μνήμης Ἰσιδώρου χρυσοτελῶν γενομένων*. ANASTASIOS: Malalas, 394, ὁ δὲ θεϊότατος βασιλεὺς Ἀναστάσιος ἐποίησε χρυσοτέλειαν τῶν ἰούγων τοῖς συντελεσταῖς πᾶσι διὰ τὸ μὴ ἀπαιτεῖσθαι τὰ εἶδη καὶ διατρέφεσθαι ὑπὸ τῶν στρατιωτῶν, *CJ* x. xxvii. 1, 491, 2 §§5-10 (491-505), μηδεὶς ποτε χωρὶς μεγάλης ἀνάγκης ἐπιταττέσθω τοῖς κτήτορσιν συνωνήν, καὶ ὅτε δὲ γίνεται, κατὰ θέαν μόνον κέλευσιν γνέσθω, ἐφ' ᾧ τε τὸ τῆς συνωνῆς χρυσὸν ἐκ τῆς συντελουμένης παρὰ τῶν κτητόρων ἐν χρυσῷ συντελείας παρακατέχεσθαι, ἐὰν ὅλως τὰ τῆς οἰκείας αὐτῶν συντελείας ἀρκῇ πρὸς τὴν συνωνήν. ἐὰν δὲ μὴ χρεωστῶσι δημοσία οἱ τὴν συνωνήν ἐπιταγέντες ἢ μέρος χρεωστῶσιν, ἐν νομίσμασιν εὐστάθμοις πρότερον τὸ χρυσὸν λαμβανέτωσαν καὶ οὕτως τὸ εἶδος ἀπαιτεῖσθωσαν . . . καὶ ὅτε δὲ κατὰ θέαν κέλευσιν γένηται ἐπιταγὴ συνωνῆς, ἕκαστος τῶν κτητόρων πρὸς τὴν ἀναλογίαν τῶν ζευγῶν ἥτοι ζυγοκεφαλῶν ὑποκείσθω τῇ συνωνῇ, μηδενὸς αὐτῆς ἐξαιρουμένον. . . ἀλλὰ ταῦτα χωρὶς τῆς Θερρακικῆς διοικήσεως νενομοθέτηται. ἐν Θράκῃ γάρ, ἐπειδὴ οὐκ εἰς ὁλόκληρον εἰσφέρεται τὰ δημοσία, διὰ τὸ προφασί τῶν βαρβαρικῶν ἐφόδων ἐλαττωθῆναι τοὺς γεωργοὺς καὶ μὴ ἀρκεῖν τὴν ἐν εἵδεσι συντέλειαν τοῖς κατ' αὐτὴν ἰδρυμένοις στρατιώταις, καὶ πάντων μᾶλλον ἀποτρέφεσθαι εἰς αὐτὴν στρατιωτικὰ τάγματα ἀνάγκη ἐστὶ συνεχῆς πάνν γίνεσθαι, ἐπειδὴ μὴ ἐνδέχεται διχα συνωνῆς ἀποτρέφεσθαι τοὺς ἐν αὐτῇ στρατιώτας· ἐν ἐκείνῃ τοίνυν τῇ διοικήσει ἢ μέχρι σήμερον κρατεῖτω συνηθεία, ὑποκειμένων καὶ τῶν ἐμπόρων τῇ συνηθείᾳ, πρότερον μὲντοι καὶ τοῖς συντελεσταῖς καὶ τοῖς ἐμπόροις καταβαλλομένον τοῦ τῆς συνωνῆς χρυσίου ἐν εὐστάθμοις νομίσμασι καὶ ὀβρύοις, καὶ οὕτως αὐτῶν ἀπαιτουμένων ἀδιαστρόφως καὶ ἀζημίως τὸ εἶδος εἰσφέρειν. For the abuses of *coemptio* see Proc. *HA* xxiii. 11-4, and Agath. iv. 22.

121. Just. *Ed.* xiii §18, λήγεται δὲ καὶ αὐτὸς τὰς ἀφωρισμένας αὐτῷ σιτήσεις, ὑπὲρ μὲν τῶν ἐν εἵδει ἀνόνων ἐνεγόμενα καὶ καπίτων ἑκατὸν εἴκοσι νομίσματα χίλια πέντε τέταρτον, ὑπὲρ δὲ τῶν ἐν χρυσῷ ἀνόνων πενήτηκοντα καὶ καπίτων πενήτηκοντα νομίσματα τετρακόσια, *Nov.* cxviii §1, σημαίνουσας τὸ ὅποσον ἐν ἑκάστῃ ἐπαρχίᾳ ἥτοι πόλει ὑπὲρ ἑκάστου ἰούγου ἢ ἰουλλίων ἢ κεντουρίων ἢ ἀλλῶν οἰοδῆποτε ὀνόματι τοῦτο μὲν ἐν εἵδει τοῦτο δὲ ἐν χρυσῷ δημοσίων ἐνεκεν ἐπίκειται, φανερούσας δὲ καὶ τῶν εἰδῶν τὴν ἀποτίμησιν κατὰ τὴν τράπεζαν καὶ τὴν ἐν ἑκάστῳ τόπῳ κρατοῦσαν συνηθείαν. WARRANTS: *P. Cairo*, 67050-1, 67320 (see pp. 672-3); on the other hand there are warrants which do not specify any rates of *adaeratio* (*P. Cairo*, 67321, *P. Lond.* 1663, *Sb* 8028, *P. Erlangen*, 55), and may have been payable in kind. In *P. Flor.* 377, the owner or agent of a group of estates lately belonging to Olybrius of glorious memory protests that all the taxes of the eighth indiction have been paid in full, and submits a γνῶσις τῶν συντελουμένων δημοσίων εἰς διαφόρους στρατιωτικὰς διαταγὰς. The payments are for the *annonā* of the *dux*, his *princeps* and his *officium*, and are all reckoned in wheat (102,030½ *modii*), barley (68,688 *modii*), chaff (87,500 baskets), and wine and meat (252,994 *lb.*).

122. AERARIAE ANNONAE: *CTb* vii. iv. 34, 414, 35, 423, 36, 424, Just. *Ed.* xiii §18. MARKET RATE: *CTb* vii. iv. 28, 406, 32, 412, 36, 424. SPECIAL RATES: *CTb* vii. iv. 30, 31, 409. PARTICULARS DELEGATIONES: *CJ* i. lii. i, 439. SPECIAL RATE FOR THE PRAETORIAN PREFECT: *CTb* vii. iv. 32, 412. MIXTURE OF ANNONAE: *CTb* vii. iv. 36, 424, si quando tribuni sive comites vel praepositi numerorum per provincias annonas voluerint, hoc est quas pro dignitate sua consequuntur, in aere percipere, non aliis eas pretiis, nisi quae in foro rerum venalium habeantur, adaerandas esse cognoscant. si alias annonas, quae non suae dignitatis

erunt, sed alio modo, dum tamen licito, suis commodis adquisitas in auro sibi dari duces sive tribuni voluerint, illis pretiis contenti sint, quae in forma aerariarum annonarum universis militibus sollemni observatione praebentur, Just. *Ed.* xiii §18 (cited in n. 120).

123. *CTh* xi. i. 37 (cited in n. 119). Just. *Nov.* cxxviii §1 (cited in n. 121).

124. ASSESSMENTS IN GOLD: Val. III, *Nov.* xiii, 445. *ARCA*: *CTh* viii. i. 12, 382, vii. iv. 19, 392 (S), viii. viii. 5, 395, xii. vi. 30, 408, and thereafter regularly in remissions of arrears (xi. xxviii. 6, 9, 16, 17, etc.). In the literary sources the *arca* is first mentioned to my knowledge in 384 (Amb. *Ep.* 17 §3). THE TREASURIES UNDER LEO: Candidus, 2, ἦσαν γάρ, ὡς οἱ ταῦτα ἐφανέρωσαν κεχειρικότες, διὰ μὲν τῶν ὑπάρχων χρυσίου λίτραι τετρακισμύρια πρὸς ἐπτακισχίλιας· διὰ δὲ τοῦ κόμηντος τῶν θησαυρῶν ἐπτακισχίλια πρὸς μυρία.

125. FORTS BUILT BY PRAESIDES: *ILS* 6886, 9352, *CIL* iii. 6661, 14149, viii. 2572, 8712, *AE* 1931, 82, 1942-3, 81. FORTS BUILT BY DUCES: *ILS* 762, cf. 773-5; in *AE* 1933, 170-1, a pair of inscriptions claim that a fort in Arabia was built by Flavius Archelaus, *v.c. comes et praeses*, in 349, and by Flavius Silvianus, *v.p. dux*, who held office at the same time (see Wadd. 2194, *Princeton Exp. Syria*, 224). This is obviously not co-operation and may indicate a conflict of claims. The transfer of responsibility for forts from the *praeses* to the *dux* was perhaps made about this date. For civic buildings see pp. 736-7. GRANARIES AND POST-STATIONS: *CJ* x. xxvi. 2, 364, cum ad quamlibet urbem mansionemve accesseris, protinus horrea inspicere te volumus, ut devotissimis militibus effloratae et incorruptae species praebeantur. nam si per incuriam officii gravitatis tuae sartorum tectorum neglecta procuracione aliqua pluviis infecta perierint, iam ad damnum tuum referentur. ROADS AND BRIDGES: *CTh* xv. iii. 5, 412, antiquatis omnibus vel personalibus rescriptis vel per adnotationes elictis per Bithyniam ceterasque provincias possessores et reparationi publici aggeris et ceteris eiusmodi muneribus pro iugorum numero vel capitum, quae possidere noscuntur, adstringi cogantur. LABOUR AND MATERIALS: *CTh* xi. xvi. 15, 382, operarum atque artificum diversorum, excoquendae etiam calcis obsequia nulla de talibus adiumenta poscantur; materiam, lignum atque tabulata exceptorum virorum patrimonia non praebeant, 18, 390, operas atque artifices non praebebit; excoquendae ab eo calcis sollicitudo cessabit; non conferendis tabulatis obnoxia, non lignis, indultam quoque materiem sub eadem exceptione numerabit. Cf. Lact. *Mort. Pers.* vii. 8, huc accedebat infinita quaedam cupiditas aedificandi, non minor provinciarum exactio in exhibendis operariis et artificibus et plaustris, omnibus quaecumque sint fabricandis operibus necessaria. LEVY OF LABOURERS FROM VILLAGES: *PSI* 162 (baths at Alexandria), 87, 689, *Sb* 7676, *P. Cairo Isid.* 81, *P. Oxy.* 1426 (Trajan's canal), *PSI* 873, *P. Oxy.* 895 (unspecified work at Babylon), 1425 (the same at Pelusium). For the change to free hired labour see the account of the building of Dara by Anastasius in Zach. *Myt. Chron.* vii. 6; cf. Joh. Moschus, 37. AUDIT OF PUBLIC WORKS: *CJ* x. xxx. 4, Just. *Nov.* xvii §4, cxxviii §18.

126. NUMIDIA AND MAURETANIA: Val. III, *Nov.* xiii pr., 445, hunc tributi modum ab his magnitudo tua sperandum esse cognoscat, ut retractis septem partibus octavam tam privatae quam enfyteuticae glebae possessor agnoscat, pro qua octava omnibus titulis ad unum redactis, quos possessor vel quivis quolibet nomine praestare consueverant, quattuor milia ducentos tantum solidos et mille ducentas militares annonas et ducentum capitum Numida provincialis exsolvat . . . has autem militares annonas cum provinciales pro longinqui

difficultate itineris in adaeratione persolverint, unius annonae adaeratio quattuor per annum solidis aestimetur, §5, Mauri vero Sitifenses servatis omnibus privilegiis dudum sibi a retro principibus indultis pro omnibus titulis totius annonae nomine quinque milia solidorum et quinquaginta capitum in annonis ducis consueto tempore annua functione dependant. EGYPT: Just. *Ed.* xiii §8, *οἱ αὖ καὶ τῆς εὐτυχοῦς σιτοπομπῆς εἰς ὀκτακοσίας μυριάδας συνιοῦσης*; the *artaba* is the unit used elsewhere in the edict, e.g. §§6, 24. REVENUES OF OXYRHYNCHUS, ETC.: *P. Oxy.* 1907, 1909, *P. Cairo*, 67057.

127. *Proc. HA* xix. 8. ἐπὶ μέντοι Ἰουστίνου ἔτη ἐννέα τὴν αὐτοκράτορα ἀρχὴν ἔχοντος, τοῦτον Ἰουστινιανοῦ ξύγχυσίν τε καὶ ἀκοσμίαν τῇ πολιτείᾳ προστριψαμένον, τετρακισχίλια κεντηνάρια ἐς τὴν βασιλείαν εἰσκομισθῆναι οὐδενὶ νόμῳ.

128. *Val. III, Nov.* xxxiv §2, 451, ex titulo vicenarum siliquarum, quae per singulas centurias exiguntur. In *Val. III, Nov.* v §4, 440, we hear of 'septem solidis per millenas nuper indictis' in Italy. If the *millena* was  $12\frac{1}{2}$  *ingera*, as is implied by the equation 'iug. quinquaginta p. M IIII' in *CIL* x. 407, the Italian rate of taxation under Valentinian III was crippling,  $13\frac{1}{2}$  *siliquae* per *ingerum*, almost twice the Egyptian rate under Justinian,  $7\frac{2}{3}$  carats per *arura*. ANTAEOPOLIS: *P. Cairo*, 67059 (cf. *JHS* LXXI (1951), 271-2). For fees see n. 137.

129. On the *capitatio* see ch. II, nn. 47, 48. EDICT OF ZOTICUS: Zachariae von Lingenthal, *Ἀνέκδοτα*, 274, edict. xxiv, ὅπως ἂν εἰς τὸν τῶν ὁμοδούλων περιέλθῃ τρόπον, οἰκίαν . . . οὐκ ἀπογράφεσθαι οὐδὲ πολιτικὴν αἵτησιν ἢ κῆπον οὐκ ἀπογεγραμμένον οὐδὲ ἄλλο παντελῶς οὐδέν, ὃ μὴ τι γεῖκον τέλος ἢ ψυχικὸν προσγέγραπται. ὥστε μηδὲνα εὐλαβεῖσθαι ὑπὲρ ὁμοδούλων ἢ ὁμοκλήσεων ἐπιβολῆς ἐπὶ οἰκία ἢ ἀρτοῖς ἢ ἐτέρῳ τινι μὴ ἐγγεγραμμένῳ τῷ κήσῳ. HONORIUS'S LEVY: *CTh* XI. XX. 3, 405 (S).

130. EDESSA: *Josh. Styl.* 31. EGYPTIAN CITIES: *P. Oxy.* 1909.

131. See pp. 537-9.

132. *CTh* VI. xxxv. 2, 319 (S) (*memoriales* excused *repraesentatio equorum*), XIII. iii. 2, 320 (S) (*archiatri* excused *equorum praestatio*), VII. xxiii. 1, 369, quicumque honorariis codicillis habetur ex comite, tres protinus equos, qui digni sunt comprobari, curet offerre, quicumque autem eodem ex praeside factus indulto, duos pari devotione mox tradat. ita enim promptius instruitur usus armorum. quod munus in posterum ea lege novetur, ut quinto quoque anno, hoc est magis aliquando quam saepe, similis recurat exactio, XIII. v. 15, 379, quisquis naviculariorum codicillis optaverit ornari, praebitioni equorum intellegat se esse subdendum, VI. xxvi. 3, 382, obsecundatoribus sacrorum scriniorum, quorum mentibus ingeniisque committimus, quidquid in alios quoque perennium saepe proferimus sanctionum, equorum ad militare subsidium ab honoratis proxime venire iussorum missam facimus; cf. 14, 412 (*scrinia* excused *equorum tironumque praestatio*), 15, 410 (*scrinia* excused *equorum indictio*), VII. xiii. 15, 402, ad conlationem iuniorum eos tantum oportet additineri, quos constat dignitates legitimas beneficiis consecutos, non tamen si iusta privilegia suffragantur, 18, 407, iuniorum conlatione, vel qui proxime in pretio ab honoratis pro rerum necessitate petiti sunt vel si umquam tale aliquid rei publicae ratio flagitaverit, immunes haberi oportere decernimus, qui militiae praerogativa ad tribunatus praepositorum pervenerint, 20, 410, tirones tricenis solidis aestimatos ab omnibus officiis iudicum Africae, exemplo praecedentis temporis, postulamus; quod simul etiam ab honoratis memoratarum provinciarum nec non Sardiniae Siciliae et Corsicae, XI. xviii. 1, 412 (S)

(list of 'qui a praebitione tironum et equorum excusantur'), vi. xxiii. 2, 423 (*silentiarii* excused *tironum et equorum praestatio*), vii. xiii. 22, 428 (*sacerdotales* of Africa excused *praebitio tironum*), Val. iii. Nov. vi. 3, 444 (details of a commuted levy of *tirones*).

133. TAX IMMUNITY: *CTh* xi. i. 1, 360 (S), praeter privatas res nostras et ecclesias catholicas et domum clarissimae memoriae Eusebii exconsule et exmagistro equitum et peditum et Arsacis regis Armeniorum nemo ex nostra iussione praecipuis emolumentis familiaris iuветur substantiae. Datianus enim vir clarissimus patricius, qui hanc olim gratiam fuerat consecutus, auferri sibi id cum tanta instantia depoposcit, cum quanta alii poscere consuerunt. ideoque omnes pensitare debebunt quae manu nostra delegationibus adscribuntur, nihil amplius exigendi. For the very temporary immunity of the *res privata* and the lands of the church mentioned in this law see above n. 21 and ch. XXII, n. 65; the church of Thessalonica received immunity under Theodosius II (*CTh* xi. i. 33, 424, sacrosancta Thessalonicensis ecclesia civitatis excepta, ita tamen ut aperte sciat propriae tantummodo capitationis modum beneficio mei numinis sublevandum nec externorum gravamine tributorum rem publicam ecclesiastici nominis abusione laedendam). LOW ASSESSMENT: *CTh* xi. xx. 6, 430, ita ut omnium, quae praedicto tempore atque etiam sub inclytae recordationis avo nostro in terrena sive animarum discriptione relevata sunt usque ad quadringentorum iugorum sive capitum quantitatem pars dimidia publicis censibus adiungatur, ut, si quidem usque ad quadringenta iuga vel capita relevatio facta est, dimidia tantum pars fisco reddatur, si vero amplius aliquid relevatum est, usque ad ducentorum iugorum vel capitum aput beneficium consecutos relevatio firma permaneat, reliqua omnia publicis censibus refundantur. EXTRAORDINARIA AND SORDIDA MUNERA: *CTh* xi. xvi. 15, 382, 18, 390, 23, 412.

134. Amm. xvi. v. 15, denique eum adusque imperii finem et vitae scimus utiliter observasse ne per indulgentias quas appellant tributariae rei concederet reliqua. norat enim hoc facto se aliquid locupletibus additurum, cum constet ubique pauperes inter ipsa dictorum initia solvere universa sine laxamento compelli; cf. *CTh* xi. vii. 4, 328 (S), quoniam subclamatione vestra merito postulastis, ne qua his, qui praestationes fiscales differunt, reliquorum laxitas proveniret, specialiter praecipimus observari, ut res eorum, qui fiscalibus debitis per contumaciam satisfacere differunt, distrahantur.

135. *CTh* xi. xxviii. 3, 401, 9, 414, 16, 433, Marc. Nov. ii, 450, Val. iii, Nov. i. 1, 438, 3, 450, Maj. Nov. ii, 458, Just. Nov. cxlvii, 553, τούτων χάριν ἐπὶ τὰς παρούσας θείας ἡμῶν ἡλθομεν δωρεάς, δι' ὧν θεσπίζομεν ἀφείσθαι πάντας τοὺς ἡμετέροισι ὑποτελεῖς ἐλλειμμάτων παντοίων ὀφειλομένων παρ' αὐτῶν ἀπὸ τῆς τοῦ προτέρου κύκλου πρώτης ἐπινεμήσεως καὶ αὐτῆς, εἰς ἣν τὰς προτέρας ἡμῶν συνεκλείσαμεν δωρεάς, μέχρι τῆς ἄρτι παρελθούσης ἐβδόμης ἐπινεμήσεως καὶ αὐτῆς, ὥς εἶναι εἰκοσι δύο ἐτῶν ἐφεξῆς τὴν εἰς τοὺς ὑπὲρ τοὺς παρ' ἡμῶν γινομένην φιλοτιμίαν, καὶ μηδεμίαν ἐλλειμμάτων εἰσπραξὶν εἶναι πρὸς ἐκείνους ἀναγομένων τοὺς χρόνους, cxlviii, 566.

136. Val. iii, Nov. i. 3 §2, 450, securitates expetunt annorum serie et vetustate consumptas, quas servare nescit simplicitas et fiducia nihil debentis, *CJ* x. xxii. 3, 456, quicumque de provincialibus et collatoribus decurso posthac quantolibet annorum numero, cum probatio aliqua ab eo tributariae solutionis exposcitur, trium cohaerentium sibi annorum apochas securitatesque protulerit, superiorum temporum apochas non cogatur ostendere, neque de praeterito ad illationem functionis tributariae coartetur.

137. WEIGHTS AND MEASURES: *CTh* XII. vi. 19, 383, 21, 386, XI. viii. 3, 409, Maj. *Nov.* vii §15, 458. CURRENCY: Maj. *Nov.* vii §14, 458. DOUBLE PAYMENT: *CTh* XII. vi. 27, 400, for actual cases see the complaints of Aphrodito (pp. 407-8) and Greg. *Ep.* i. 42, cognovimus etiam rusticos burdationem quam iam ab eis exactam Theodosius minime persolverat iterum dedisse, ita ut in duplo exacti sunt. SPORTULAE: *CTh* XII. vi. 3, 349, susceptores centesimae dimidium, annotatores vero ceterorumque officiorum diversos homines, quos rationibus constat obnoxios esse, alterum dimidium habere censuimus, 14, 367, singulas tantum dependant centesimas, qui redditus domui nostrae debitos arcariis quotannis iuxta consuetudinem tradunt, 15, 369, in epimetris autem eam consuetudinem sinceritas tua faciat observari, ut in aridis quidem fructibus centesimam levandi dispendii causa a possessore susceptor accipiat, laridi vero et vini vicesimam consequatur, 21 §1, 386, et submotis, quae contra utilitatem populorum omnium hactenus gesta sunt, frumenti quinquagensimas, hordei quadragensimas, vini et laridi vicensimas susceptoribus dari praecipimus. The various fees and perquisites of the collectors are richly documented in the papyri; see A. C. Johnson and L. C. West, *Byzantine Egypt: Economic Studies*, 289 ff. COST OF COLLECTION: Maj. *Nov.* ii §2, 458, praefectiani si quidem atque palatini vel aliarum potestatum adparitores competentium titulorum exactione suscepta contra veterem morem per provincias discurrentes enormibus exactionibus possessorem curialemque concutiunt et ita omnia pro arbitrio suae depraedationis extorquent, ut, cum aliqua pars certa vel minima publicis compendiis inferatur, duplum aut amplius in sportulis avidus et praepotens executor accipiat, vii §16, 458, inter haec etiam officiorum pro laborum merito non est commoditas negligenda. et quia per rectores provinciarum exigi omnem canonem tam ad arcam praefecturae pertinentem quam sacris vel privatis largitionibus inferendum, sed et binos per iugum vel millenam solidos remunerationibus deputatos compelli debere praecipimus, possessori non putamus onerosum, quem a multis molestiis et sportularum et numerosis mutaturae dispendiis liberamus, si semissem solidi per iuga singula seu singulas millenas amplius iubeamus inferri, qui pro ordinatione nostra inter diversa officia dividatur. ita ergo praedicta summa inter compulsores, ut diximus, partienda est, ut palatinus siliquam mediam pro siliquatico solidi <medii ad similitudinem> remunerationis binorum solidorum, exactor siliquam, quattuor autem siliquas tam curialis quam officium provinciale percipiat, officium sane praefectorum sex semis siliquas consequatur. BINA ET TERNA: Cass. *Var.* III. 8, VII. 20-22. TAX OF SEVEN SOLIDI: Val. III, *Nov.* v §4, 440.

138. COMPULSORES: *CJ* x. xix. 9, 496. SPORTULAE: Zachariae von Lingenthal, *Ἀνεκδότα*, p. 271, edict xiii, ὥστε τοὺς ὑποτελεῖς τὰ δημοσία κατατιθέναι, ὡς αἱ μερικαὶ δηλοῦσι διατυπώσεις, καὶ πρὸς τοῦτοις λόγῳ παντοίας τῶν τὰ δημόσια πραττόντων παραμυθίας καὶ τοῦ λεγομένου διαζημίου καὶ καθ' ἑκαστον ἰούγον κεράτιον ἐν καὶ μηδὲν περαιτέρω . . . ἀλλὰ τὸ ἐκ τοῦ κεράτιον συναγόμενον καὶ ταξέωτας καὶ βουλευτάς καὶ σκρινιαρίους τῶν ἐπάργων καὶ κανονικαρίους τῶν λαργιτιόνων καὶ πᾶν πρόσωπον σνηθείας κομιζόμενον μερῖζεσθαι.

139. BANKRUPTCY OF THE WEST: Val. III, *Nov.* xv pr., 444. MARCIAN'S RESERVE: Joh. Lydus, *Mag.* III. 43. ANASTASIOS'S RESERVE: Proc. *HA* xix. 7. For the effect of the landtax on agriculture see pp. 819-21.

Of the many histories of Roman Law I have found H. F. Jolowicz, *Historical Introduction to the Study of Roman Law*<sup>2</sup>, Cambridge, 1952, the most useful from my standpoint. On procedure M. A. von Bethmann-Hollweg, *Der Römische Civilprozess*, III, Bonn, 1866, is still the most comprehensive work.

1. For the bulk of the juristic sources see *CJ* I. xvii. 2 §1, 533.

2. *CTh* I. iv. 1, 321 (S), 2, 328 (S), 3, 426.

3. DECRETA: *CTh* IV. xx. 3, 386, apud acta imp. Theodosius A. dixit, VIII. xv. 1 (a dialogue between Constantine and a litigant), XI. xxxix. 5, 362, pars actorum habitorum apud imperatorem Iulianum Augustum Mamertino et Nevitta cons. X kal. april. Constantinopoli in consistorio: adstante Jovio viro clarissimo quaestore, Anatolio magistro officiorum, Felice comite sacrarum largitionum, et cetera. imp. Iulianus dixit, 8, 381, pars actorum habitorum in consistorio apud imperatores Gratianum, Valentinianum et Theodosium cons. Syagri et Eucherii die iii kal. Iul. Constantinopoli in consistorio. imp. Theodosius A. dixit. RESCRIPTS: nearly all the laws of Diocletian and his colleagues in the Codex Justinianus (all those listed on pp. 494-7 of Krüger's edition except those few whose addressee is noted) are rescripts to private persons, and many others are cited in *Fragmenta Vaticana*, *Collatio*, *Consultatio*, etc.; rescripts of Constantine are found in *Fr. Vat.* 33, 34, 36, 273-4, 287, of Valentinian I in *Consult.* IX. 2, 5, 6. On the publication of rescripts see *Hermes*, LV (1920), 1-42. *Consult.* IX. 2, a private rescript, was 'dat. viii id. Feb. alleg. non. kal. April. in basilica Thermarum Commodianarum', and IX. 4, a rescript to a *relatio* of the consular of Picenum, was 'alleg. iiiii kal. Mai. Flavia Fanestri in secretario'; that is, they were cited in court during trials and copied from the court record by the editor who added them to the Codex Hermogenianus. For rescripts to *relationes* see also ch. XI, n. 60.

4. RESCRIPTS CONTRARY TO THE LAW: *CTh* I. ii. 2, 315, 3, 317 (S), *CJ* I. xix. 7, 426, cf. *CTh*, *Gesta senatus* 5, ut ad preces nullae leges promulgentur rogamus, dictum xxi. RESCRIPTS AND DECRETA DENIED FORCE OF LAW: *CTh* I. ii. 11, 398, *CJ* I. xiv. 2, 3 §1, 426; RESTORED: *CJ* I. xiv. 12, 529.

5. *CJ* I. xiv. 3, 426, leges ut generales ab omnibus aequabiliter in posterum observentur, quae vel missa ad venerabilem coetum oratione conduntur vel inserto edicti vocabulo nuncupantur, sive eas nobis spontaneus motus ingesserit sive precatio vel relatio vel lis mota legis occasionem postulaverit. nam satis est edicti eas nuncupatione censeretur vel per omnes populos iudicum programme divulgari vel expressius contineri, quod principes censuerunt ea, quae in certis negotiis statuta sunt, similium quoque causarum fata componere. sed et si generalis lex vocata est vel ad omnes iussa est pertinere, vim obtineat edicti; interlocutionibus, quas in uno negotio iudicantes protulimus vel postea proferemus, non in commune praeiudicantibus, nec his, quae specialiter quibusdam concessa sunt civitatibus vel provinciis vel corporibus, ad generalitatis observantiam pertinentibus. On the promulgation of laws see ch. XII, n. 15. Theoderic ordered his edict to be posted for 30 days (*Cass. Var.* IX. 19-20).

6. *Lib. Or.* I. 145; the law of Valentinian referred to is *CTh* IV. vi. 4, 371. *CTh* XII. i. 158, 398, vaccillare per Apuliam Calabriamque plurimos ordines



civitatum comperimus, quia Iudaicae superstitionis sunt et quadam se lege, quae in Orientis partibus lata est, necessitate subeundorum munerum aestimant defendendos. itaque hac auctoritate decernimus, ut eadem, si qua est, lege cessante, quam constat meis partibus esse damnosam, omnes, qui quolibet modo curiae iure debentur, cuiuscumque superstitionis sint, ad complenda suarum civitatum munia teneantur.

7. *CJ* I. xxvi. 2, 235, formam a praefecto praetorio datam, et si generalis sit, minime legibus vel constitutionibus contrariam, si nihil postea ex auctoritate mea innovatum est, servari aequum est. For surviving edicts of the prefects see Just. *Nov.* clxvi, clxviii, and Zachariae von Lingenthal, *Ἀνέκδοτα*, 227-278; cf. *PSI* 684, where τὰ μεγαλοφυῇ ἡδίκτα (as opposed to ἡ θεία διάταξις) are probably edicts of the praetorian prefects.

8. The *decreta* cited in n. 3 are clearly copied from the record of the consistory. For rescripts also see n. 3.

9. See Jors in *PW* s.v. *Codex Gregorianus* and *Hermogenianus*, and G. Rotondi, *Scritti Giuridici* I. 118-146. The Gregorianus contained two laws later than 291 (*Coll.* vi. iv, xv. iii) and the Hermogenianus seven of Valentinian (*Consult.* ix. 1-7), which are presumably later additions.

10. Laws from the Gregorianus are cited by book and title in, for example, the *Epitome Codicum Gregoriani et Hermogeniani Visigothica* (*FIR* II<sup>2</sup>, pp. 655 ff.). For the Hermogenianus see *Schol. Sin.* iii (*FIR* II<sup>2</sup>, p. 639).

11. See Seeck, *Reg.* I-18.

12. *CTh* I. i. 5, ad senatum, 429. The quotation in the text is from Th. II, *Nov.* i §1.

13. *CTh* I. i. 6, 435.

14. EXCLUSIVE VALIDITY OF THE CODE: Th. II, *Nov.* i, 438, *CTh*, *gesta senatus*. MUTUAL EXCHANGE OF LAWS: Th. II, *Nov.* i §5, 438, his adicimus nullam constitutionem in posterum velut latam in partibus Occidentis aliove in loco ab invictissimo principe filio nostrae clementiae perpetuo Augusto Valentiniano posse proferri vel vim legis aliquam obtinere, nisi hoc idem divina pragmatica nostris mentibus intimetur. quod observari necesse est in his etiam, quae per Orientem nobis auctoribus promulgantur; cf. *CTh* I. i. 5, 429, in futurum autem si quid promulgari placuerit, ita in coniunctissimi parte alia valebit imperii, ut non fide dubia nec privata adsertione nitatur, sed ex qua parte fuerit constitutum, cum sacris transmittatur adfatibus in alterius quoque recipiendum scriniis et cum edictorum sollemnitate vulgandum; Th. II, *Nov.* ii, 447, Val. III, *Nov.* xxvi, 448, *Anth. Nov.* ii, iii, 468.

15. The Breviarium is published in G. Haenel, *Lex Romana Visigothorum*, Leipzig, 1849, the *Lex Romana Burgundionum* in *FIR* II<sup>2</sup>, pp. 713 ff., the Edict of Theoderic, *ibid.*, pp. 683 ff.

16. THE FIRST CODE: *CJ const.* Haec, Summa. THE DIGEST: *CJ* I. xvii. 1 (= *Dig. const.* Deo auctore), 2 (= *Dig. const.* Tanta), *Dig. const.* Omnem. THE SECOND CODE: *CJ const.* Cordi.

17. IUS ITALICUM: *CJ* VII. xxv. 1 (530-1), xxxi. i, 531; cf. *Inst.* II. vi. pr. LATINITAS: *CJ* VII. vi. 1, 531; cf. *Inst.* I. v §3.

18. On the collections of Justinian's novels see H. F. Jolowicz, *Historical Introduction to the Study of Roman Law*<sup>2</sup>, 506-9. A good example of a codifying statute is *Nov. xxii* on the law of marriage.

19. The *iuridicus Alexandriae* survived under the later empire, *Chr.* II. 96, *CJ* I. lvii. 1, 469. So also did the two *legati* of the proconsul of Africa (*Not. Dig. Occ.* xviii. 3, cf. *CTh* I. xii. 1, 313 (S), 3, 313, 6, 398), the *legatus almae Karthaginis* (*ILS* 1220, 6809, Aug. c. *Cresc.* IV. 3, *Coll. Carth.* I. i, II. i, III. i, Mansi, IV. 51, 167, 181) and the *legatus Numidia* (*ILS* 1240, *AE* 1933, 155); cf. also *ILS* 637, 5518, 5714, 5907, 9353, 9357. We also hear of a *legatus in provincia Achaea* in the late fourth century (*ILS* 1281) and a *legatus provinciae Asiae* under Constantine (*ILS* 2942). IUDICES PEDANEI: *CJ* III. iii. 2, 294, placet nobis praesides de his causis, in quibus, quod ipsi non possent cognoscere, antehac pedaneos iudices dabant, notionis suae examen exhibere, ita tamen ut, si vel per occupationes publicas vel propter causarum multitudinem omnia huiusmodi negotia non potuerint cognoscere, iudices dandi habeant potestatem (quod non ita accipi convenit, ut etiam in his causis, in quibus solebant ex officio suo cognoscere, dandi iudices licentia permissa credatur). IUDEX SACRARUM COGNITIONUM: *ILS* 1211, L. Aelio Helvio Dionysio c.v. iudici sacrarum cognitionum totius Orien. praesidi Syriae Coeles; cf. also 2941, corr. Italiae Transpadanae, cognoscenti vice sacra.

20. For the institution of *defensores* see pp. 144-5. Their judicial functions are defined in *CTh* I. xxix. 2, 365, 5, 370, 7, 8, 392, IX. ii. 5 + XI. viii. 3, 409. The limit of 50 solidi is given in the Justinianic interpolation in *CJ* I. lv. 1, that of 300 solidi in *Just. Nov.* xv §3, 535.

21. EPISCOPAL JURISDICTION: *CTh* I. xxvii. 1, 318 (S), *Sirm.* 1, 333, *CJ* I. iv. 7, 398, *CTh* I. xxvii. 2, 408. For the jurisdiction of the Jews see *CTh* II. i. 10, 398, *CJ* I. ix. 15, 415.

22. SILVANUS: SOC. VII. 37. JUDICIAL ASSESSORS: Cyr. Scyth. *V. Euthymii*, 3, *V. Sabae*, 75; in both passages he describes a lay advocate (σχολαστικός) as τὸ ἐπισκοπεῖον κρατῶν καὶ τῷ ἐπισκόπῳ συνεδρεῖων; Zach. Myt. *Chron.* VII. 1, also speaks of the *scholasticus* of a church, and Greg. *Ep.* III. 18 is addressed to 'Theodorum virum eloquentissimum consiliarium nostrum'. AUGUSTINE'S COMPLAINTS: Aug. *En. in Ps.* CXVIII. xxiv. 3, cf. Poss. *V. Aug.* 19. Theodoret gives a pleasant picture of the judicial work of Abraham, bishop of Carrhae, in *Hist. Rel.* xvii. For the records of an actual case see *Chr.* II. 98, cf. *Sb* 7449 (a request for the bishop's jurisdiction): Amb. *Ep.* 82 is an equitable judgment on a case which was referred to him from the court of the praetorian prefecture by the counsel of both parties.

23. PRAETORIAN PREFECTS: *CTh* XI. xxx. 16, 331, a proconsulibus et comitibus et his qui vice praefectorum cognoscunt, sive ex appellatione sive ex delegato sive ex ordine iudicaverint, provocari permittimus, ita ut appellanti iudex praebat opinionis exemplum et acta cum refutatoriis partium suisque litteris ad nos dirigat. a praefectis autem praetorio, qui soli vice sacra cognoscere vere dicendi sunt, provocari non sinimus, ne iam nostra contingi veneratio videatur. It is usually assumed that this law for the first time granted inappellable jurisdiction to the praetorian prefects, but more probably it for the first time allowed appeals against *vice sacra iudicantes*, except for the praetorian prefects (see ch. II, n. 1). PRAEFECTUS URBIS ROMAE: *CTh* XI. xxx. 11, 321, sublimitatem tuam qui cognitionibus nostram vicem repraesentas, 13, 18, 329 (S), etc., *ILS* 692, 1213, 1220-1, 1240-1, etc. PROCONSUL OF AFRICA: *CTh* XI.

xxx. 3, 315, appellationum causas, quae per vos in auditorio nostro, quibus vicem nostri mandamus examinibus, diiudicantur, xxxvi. 3, 315 (S), etc., *ILS* 1228, 1232, 1240-1, etc.; for the proconsuls of Asia and Campania see *ILS* 751, 1220, 1227, 5702. VICARS: *CTh* xi. xxx. 16 (cited above), *ILS* 733, 4152. COMITES PROVINCIAE: *CTh* xi. xxx. 16 (cited above), xxxiv. 1, 331, contra comitum ceterorumque sententias qui vice nostra iudicaverint, *ILS* 1231, comiti Orientis, Aegypti et Mesopotamiae, iudici sacrarum cognitionum, 1237, comiti per Orientem, Aegypti et Mesopotamiae, per easdem vice sacra iudicanti. PREFECT OF CONSTANTINOPLE: *CTh* i. vi. 1, 361, cum appellatio interposita fuerit per Bithyniam, Paphlagoniam, Lydiam, Hellespontum, Insulas etiam ac Phrygiam Salutarem, Europam ac Rhodopam et Haemimontum, praefecturae urbi iudicium sacrum appellator observet. In *CTh* xi. xxx. 30, 363 (S), the judges of appeal are listed as 'praefectos urbi seu proconsules seu comites Orientis seu vicarios', in ix. xl. 15, 392, as 'proconsules, comites Orientis, praefecti Aug., vicarii', in xi. xxx. 57, 398, as 'sive proconsule, comes Orientis, Augustalis, vicarii'. SUPPLICATIO: *CJ* i. xix. 5, 365, Th. II, *Nov.* xiii, 439.

24. The range of the appellate jurisdiction of the proconsul of Africa is inferred from Val. III, *Nov.* xiii §12, 445, quicumque etiam intra provincias Africanas ad ius nostrum pertinentes a cuiuslibet iudicis sententia provocaverint, quoniam decreti antiquitus cognitoris cessat officium, inlustris urbanae praefecturae examine ex appellatione se noverint iurgaturos, sed quia transmarinae regionis sunt, indutias tempori annum debere praestari (the proconsulate of Africa was in abeyance owing to the Vandal conquest). Cf. also *CTh* xi. xxx. 62, 405, in negotiis, quae ex appellatione descendunt, veterem consuetudinem volumus custodiri, illud addentes, ut, si quando a gentilibus vel a praefectis eorum fuisset interposita provocatio, sacrum sollemniter, hoc est proconsularis cognitionis, praestoletur examen.

25. PREFECT OF ROME: *Dig.* i. xii. 1 §4, quidquid igitur intra urbem admittitur ad praefectum urbi videtur pertinere; sed et si quid intra centesimum miliarium admissum sit ad praefectum urbi pertinet, Cass. *Var.* vi. 4, *CTh* xi. xxx. 27, ad Taurum *PPO*, 357, de Sardinia Sicilia Campania Calabria Britanniis et Piceno Aemilia et Venetia et ceteris interpositas appellationes laudabilis sublimitas tua more sollemni debet audire competenti appellatione terminandas. nec vero ulla poterit esse confusio. praefectus enim urbis nostra responsione conventus praedictis cognitionibus temperandum sibi esse cognovit, *CTh* i. vi. 2, ad Symmachum [*PU*], 364, sacrae definitionis ius magnificentiae tuae detulimus, cum ab urbis Romae vicario interposita provocatio nostrae cognitionis operiri videbitur dignitatem, 3, 364, si quando provocatio interposita adversus sententias vicariae potestatis nostrae cognitionis videatur arbitrium operiri, nulla itineris fatigatione laedatur; sed vir magnificus praefectus urbi rite sollemnibus ordinatis vicem nostram sustinens sacrae disceptationis arbitrium suscepto litis examine terminabit. *CTh* xi. xxx. 61, 400, virtually annulled this jurisdiction, which Symmachus (*Rel.* 38) exercised. For the concurrent jurisdiction of the prefect and the vicar and the resultant quarrels see *CTh* xi. xxx. 36, 374, and Symm. *Rel.* 23. PREFECT OF CONSTANTINOPLE: *CTh* i. vi. 1 (cited in n. 23), 10, 380 (S), sacrum iudicium praefecti urbis aeternae paucis dabat reddebatque regionibus: et ideo huic Bithyniam atque Paphlagoniam nec non Phrygiam Salutarem credidimus deputandas, ut appellationes suas ad illud mittant examen illudque expectent iudicium in sacrae cognitionis eventu.

26. INSISTENCE ON RIGHT OF APPEAL: *CTh* xi. xxx. 4, 314 (S), 15, 329, 16, 331, 20, 347 (see *Historia* IV (1955), 229 for the date), 22, 343, 25, 355, 29, 362, 30,

363 (S), 32, 365 (S), 33, 364, 58, 59, 399, 60, 400. CONFESSED OR MANIFEST CRIMES: *CTh* XI. xxxvi. 1, 313 (S), 4, 339, 7, 344, 14, 361, 18, 364 (S), 31, 392, 32, 396. FISCAL DEBTS: *CTh* XI. xxxvi. 6, 342, 8, 347, 9, 353, 10, 360 (S), 12, 355, 13, 358, 18, 364 (S), 19, 370 (S), 21, 374, 27, 383, 30, 385, 32, 396, cf. xxx. 14, 327, 21, 340. APPEALS A PRAEJUDICIO: *CTh* XI. xxxvi. 1, 313 (S), 2, 315, 3, 315 (S), 5, 341, 11, 356 (S), 15, 365 (S), 16, 364, 18, 364 (S), 30, 385.

27. The judicial arrangements in Africa and Italy are inferred from the administrative organisation. THE QUAESTOR EXERCITUS: Just. *Nov.* xli, 537. SICILY: Just. *Nov.* civ, 537.

28. Just. *Nov.* xxiii. This law is probably to be dated to 3 Jan. 535; the limit on appeals has probably been emended from 500 solidi to 10 lb. gold in the text (see Stein, *Bas-empire* II. 805 ff.). The limit of 500 solidi is given in *Nov.* xxiv-xxxi (18 May 535-18 March 536), that of 10 lb. gold in *Nov.* ciii (1 July 536).

29. APPELLATE JURISDICTION OF PROCONSULS, ETC.: Just. *Nov.* xxx §10, xxxi §1, ciii §1, 536.

30. Just. *Nov.* xxiii §3, 536, evenit, ut super minimis causis maximi nostri iudices inquietentur et homines propter minimas causas magnis fatigentur dispendiis, ut forsitan totius litis aestimatio ad sumptus iudiciales non sufficeret.

31. CURATORES AQUARUM: Frontinus, *de aquis*, 127. PROCURATORS: Tac. *Ann.* XII. 60, *Dig.* I. xvi. 9 pr. For the disciplinary jurisdiction of magistrates over their *apparitores* see Plut. *Cato Minor*, 16, Cic. *pro Cluentio*, 126. The jurisdiction over soldiers by their commanders was embodied in the *ius gladii*; see my *Studies in Roman Government and Law*, 59-63.

32. FORUM REI: *CJ* III. xiii. 2, 293, *CTh* II. i. 4, 364; for criminal cases see *CJ* III. xv. 1, 196, *CTh* IX. i. 1, 316.

33. Aug. *Conf.* vi. 16; cf. *CTh* XI. xxx. 28, 359, si a rationali vel comite vel alio, qui curam fiscalis commodi gerit, fiscale debitum postulante fuerit provocatum, ad eos, qui vice nostra huiusmodi cognitionibus praesident, appellatores intra diem tricensimum perducantur; 39, 381 (an appeal against a *comes aerarii nostri* handled by the *CSL*).

34. *CJ* III. xxvi. 5, 315, ad fiscum pertinentes causas rationalis decadat, omnibus concussionibus prohibendis.

35. In two laws (*CTh* XI. xxxvi. 8, 347, x. i. 6, 348) a provincial governor (the consular of Syria) deals with fiscal debts, elsewhere the judge of first instance is always a *rationalis* (*CTh* x. i. 7, 357, XI. xxx. 14, 327, 18, 329 (S), 28, 359, 41, 383, 45, 385, 49, 389, 68, 429, xxxvi. 29, 385) or *comes* (see n. 33). Earlier laws on appeals about fiscal debts are addressed to the *PPO* (*CTh* XI. xxxvi. 6, 342), the *PU* (XI. xxx. 18, 329 (S), xxxvi. 9, 353, 18, 364 (S), 21, 374) or a proconsul of Africa (XI. xxxvi. 10, 360 (S), 13, 358), and *CTh* XI. xxx. 28, 359, directs that such appeals go 'ad eos qui vice nostra huiusmodi cognitionibus praesident'. In *CTh* XI. xxx. 39, 381, 45, 385, xxxvi. 29, 385, xxx. 46 + xxxvi. 30, 385, xxxvi. 32, 396, appeals go to the *CSL* or *CRP*. In XI. xxx. 41, 383, the old rule is restored temporarily. In XI. xxx. 49, 389, minor cases go on appeal to the *PU* at Rome, major cases to the *CRP*. In XI. xxx. 68, 429, a limited jurisdiction is allowed to the proconsul of Africa. Claims for *caduca*, etc., are judged by provincial governors in *CTh* x. x. 7, 345, xii. 2, 368, x. 20, 392, viii. 5, 435. The rules for a trial before the *CRP* are laid down in *CTh* x. x.

27, 418 (S), 30, 421, 31, 422, for the delegation of a case by the CRP to a *rationalis* see Symm. *Rel.* 41. In *CTb* x. x. 32, 423, such cases may come either before the CRP or provincial governors. By Th. II, *Nov.* xvii. 2 §4, 444, all jurisdiction about *caduca* was transferred to the praetorian prefects, but this clause is not reproduced in *CJ* x. xii. 2, and in *CJ* x. xi. 8 (undated) claims are judged by the CRP in Constantinople (§4) and by the governors in the provinces (§8).

36. CONDUCTORES AND COLONI REI PRIVATAE: *CJ* III. xxvi. 6, 343, 7, 349, 8, 358. COLONI OF THE DOMUS DIVINA: *CJ* III. xxvi. II, 442. ACTORES AND PROCURATORES REI PRIVATAE: *CTb* x. iv. 1, 326 (S), II. i. 1, 349, cf. I. xi. 2 and II. i. II, 398.

37. COURTS OF THE PRAEFECTI ANNONAE: *CTb* XI. xxx. 4, 314 (S), xxix. 2, 319, *CJ* III. xi. 3, 318. JURISDICTION OF THE PRAEFECTUS ANNONAE ROMAE: *CTb* XIV. xvii. 6, 370 (*panis gradilis*), iii. 5, 364 (*pistores*), OF THE PRAEFECTUS ANNONAE AFRICAE: *CTb* XIII. v. 38, 414, ix. 2, 372, 3, 380 (shipwrecks), XIII. v. 12, 369 (*navicularii*), cf. XIII. v. 2, 314 (S), where in a conflict of claims between the *pistores* and *navicularii* jurisdiction is reserved to the PU. JURISDICTION OF THE PRAEFECTUS ANNONAE OF CONSTANTINOPLE: *CJ* XII. xix. 12 §1, ita ut, si de civilibus annonis vel tutela seu curatione vel novi operis nuntiatione litem eos subire contigerit, in maiore quidem iudicio ad similitudinem sumptuum, quos in iudicio eminentiae tuae dependere praecepti sunt, apud virum autem clarissimum praefectum annonae seu fisci patronum urbicariae magnificae praefecturae vel architectos pro modo eorum, quae super arbitris et litibus apud eos exercendis superius statuta sunt, solventes expensas nihil amplius agnoscere seu dependere cogantur. COURT OF THE PRAEFECTUS VIGILUM OF ROME: *CTb* I. ii. 1, 313 (S), II. x. 1+2, 319, XV. xiv. 3, 313 (S); OF CONSTANTINOPLE: Just. *Nov.* xiii, 535. CORPORATI OF ROME AND CONSTANTINOPLE: *CTb* I. x. 4, 391, *CJ* XI. xvii. 2, 397, *CTb* I. vi. II, 423. BUILDING LAWS OF CONSTANTINOPLE: *CJ* VIII. x. 12 §8, 474-491, 14, 532, XII. xxiii. 12, 424-5.

38. Th. II, *Nov.* iv pr., 438, opem atque auxilium nostrae clementiae limitaneorum poscit utilitas, qui adeo quorundam querimoniis vel exhibitionibus diversorum iudicum dicuntur adflicti, ut inter privatam vitam et militarem scientiam neutri nascentur. adde, quod usum armorum dediscere compelluntur observatione fori civilis officii et in vita peregrinantur aliena expertes litium, actionum ignari, quas inverecunda facundia et doctrina popularis instituit, *CJ* XII. v. 3, 467-470, cubicularios tam sacri cubiculi mei quam venerabilis Augustae, quos utrosque certum est obsequiis occupatos et aulae penetralibus inhaerentes diversa iudicia obire non posse, xvi. 4, 474-491, ne ad diversa tracti viri devoti silentiarii iudicia sacris abstrahi videantur obsequiis, *CJ* III. xiii. 6, 413, magisteriae potestati inter militares viros vel privato actore in reum militarem etiam civilium quaestionum audiendi concedimus facultatem, praesertim cum id ipsum e re esse litigantium videatur constetque militarem reum nisi a suo iudice nec exhiberi posse nec, si in culpa fuerit, coerceri.

39. *CTb* II. i. 2, 355, definitum est provinciarum rectores in civilibus causis litigia terminare, etsi militantes exceperint iurgia vel moverint. ne igitur usurpatio iudicia legesque confundat aut iudicibus ordinariis adimat propriam notionem, ad provinciarum rectores transferantur iurgia civilium quaestionum. in criminalibus etiam causis, si miles poposcerit reum, provinciae rector inquirat. si militaris aliquid admisisse firmetur, is cognoscat, cui militaris rei cura mandata est, *CJ* III. xiii. 6, 413, Th II, *Nov.* iv, 438 (*limitanei*), vii. 1, 439, 2, 3, 440 (all soldiers) ; *CJ* III. xxiii. 2, xxv. 1, which conflate these three laws,

show that for fiscal debts even *militēs armati* were subject to ordinary jurisdiction. A striking instance of the usurpation of civilian jurisdiction by military courts is the group of *libelli* addressed to Flavius Abinnaeus, the prefect of the Ala V Praefectorum at Dionysias under Constantius II, which all end: *εἴτα γραφέντα ὑπὸ ἡμῶν εἰς γνώσιν τοῦ κυρίου μου δοῦκος ἀνετίχης, αὐτοῦ γάρ ἐστι τὰ τοιαῦτα τολμῶντας ἐκδικεῖν* (P. Abinn. 44-57): a soldier is accused in one only (48) of all these *libelli* and in nearly all both parties are civilians. Cf. also P. Oxy. 1101, an edict of Tatian, prefect of Egypt under Valens, forbidding civilians to bring suits against civilians before military *praepositi*.

40. The jurisdiction of *magistri militum* is referred to in *CTh* ix. ii. 2, 365, and *CJ* iii. xiii. 6, 413; that of *duces* over *limitanei* is inferred from Anastasius's law, *CJ* xii. xxxv. 18, 492, which extends it to *comitatenses*.

41. *CJ* xii. lix. 8 (467-470), vii. lxii. 38, 529.

42. *Cohortales* might appeal against the governor in private suits, *CTh* xi. xxxvi. 17, 371 (S). PRAEFECTIANI: *CJ* xii. lii. 3 §2, 444, *scriniariis* autem exceptoribus ceterisque, qui in officio tui culminis merent, cum in legione prima adiutrice nostra militant, audientiam tantummodo in causis in quibus pulsantur tuae celsitudinis deputamus. in provinciis vero commorantes rectoribus earum eos respondere iubemus, nisi publicum officium aliquod eis iniunctum sit. DUCIANI: *CJ* xii. lix. 8, 467-470. OFFICIALS OF MAGISTRI MILITUM: *CTh* i. vii. 4, 414, Th. ii, *Nov.* vii. 4, 441, *CJ* xii. liv. 5, 491-518.

43. *CTh* vi. xxix. 3, ad agentes in rebus, 359, per id tempus quo cursus tuendi sollicitudinem sustinetis, condemnationes praefectorum praetorio erga eos solos inritae sunt futurae, qui servaverint honestatem; erga eos vero, qui inhoneste et contra decus saeculi vel honorem militiae versabuntur, non solum condemnatio mansura est, verum etiam, si ad nostrae serenitatis notitiam culpabilia gesta pervenerint, in eos erit acrius vindicandum. A conflict of jurisdiction over *palatini* in the provinces is revealed by Symm. *Ep.* ii. 44, to Flavian PPO, palatinos iniuriae reos, quos de Brittiis celsitudo tua praecepit exciri, miles de praetorio missus exhibuit. sed cum sacro auditorio eadem causa competeret, dominus meus parens noster praefectus urbi auctoritate iuris et fiducia tui personas sibi ad negotium vindicavit.

44. Val. iii, *Nov.* vii. 1, 440, 2, 442.

45. Th. ii, *Nov.* vii. 1, 439, 2, 440, cf. also *CJ* iii. xiii. 7, 502.

46. CUBICULARII: *CJ* xii. v. 3 (467-470). SILENTIARIES: xii. xv. i. 4 (474-491). SACRA SCRINIA: xii. xix. 12. AGENTES IN REBUS: xii. xx. 4 (457-470). PALATINI: xii. xxiii. 12 (424-5). CASTRENSIANI: xii. xxv. 3 (467-470), 4, 474. DECANI: xii. xxvi. 2, 444. SCHOLARES: xii. xxix. 2, 474, 3. Symm. *Rel.* 38 suggests that a *strator* could claim the jurisdiction of the *magister officiorum* in 384-5. That *domestici* enjoyed *praescriptio* from as early as 439 appears from Th. ii, *Nov.* vii. 1 pr., 439; that they came under their *comites* emerges from Just. *Ed.* viii. 548, where the vicar of Pontica is made representative of the *comites domesticorum* (§1) in order that he may have jurisdiction over *domestici* in the diocese (§3).

47. *Dig.* i. ix. 11, l. i. 23. *CTh* ix. i. 1, 316, quicumque clarissimae dignitatis virginem rapuerit vel fines aliquos invaserit vel in aliqua culpa seu crimine fuerit deprehensus, statim intra provinciam, in qua facinus perpetravit, publicis legibus subiugetur neque super eius nomine ad scientiam nostram referatur nec fori praescriptione utatur. omnem enim honorem reatus excludit, cum

*criminalis causa et non civilis res vel pecuniaria moveatur*. Justinian's version (*CJ* III. xxiv. 1) substitutes for 'clarissimae dignitatis' the words 'non illustris sed tantum clarissima dignitate praeditus'. GRATIAN'S LAW: *CTh* IX. i. 13, 376; for the *quinquevirale iudicium* see also *CTh* II. i. 12, 423, *Sid. Ap. Ep.* I. 7 §9 (reading 'Vviris' for 'Xviris'), *Cass. Var.* IV. 22. THEODOSIUS II: *CJ* XII. i. 16, 442-4. ZENO: *CJ* III. xxiv. 3, 485-6, cf. XII. i. 17, 485-6, for other judicial privileges of *illustres*. CIVIL CASES: *CTh* II. i. 4, 364, *CJ* III. xxiv. 2, 376, *senatores in pecuniariis causis, sive in hac urbe sive in suburbanis degunt, in iudicio tam praetorianae quam urbicariae praefecturae nec non magistri officiorum (quotiens tamen ad eum nostrae pietatis emanaverit iussio), in provinciis vero ubi larem foveant ubi maiorem bonorum partem possident et adsidue versantur respondebunt*.

48. *CTh* XVI. ii. 12, 355, 41 (= *Sirm.* 15), 411 (S), 47 (= *Sirm.* 6), 425, *Val. III, Nov.* xxxv pr. §§1-2, 452. That an appeal lay from a court of bishops to a secular judge is shown by *CTh* XI. xxxvi. 20, 369, *quoniam Chronopius ex antistite idem fuit in tuo, qui fuerat in septuaginta episcoporum ante, iudicio et eam sententiam provocatione suspendit, a qua non oportuit provocare, argentariam multam, quam huiusmodi facto sanctio generalis inponit, cogatur expendere*.

49. *Gelasius, Ep.* 23.

50. *CJ* I. iii. 22, 430 (S), cf. *Just. Nov.* cxxiii §8, 546; *CJ* I. iii. 25, 456, 32, 472. JUSTINIAN ON MONKS: *Just. Nov.* lxxix, 539; ON CLERGY: *Nov.* lxxxiii, 539. In *Nov.* cxxiii §21, 546, the same rule is applied to monks as to clergy.

51. *Symm. Rel.* 41.

52. *CTh* I. xvi. 1, 313 (S), *quicumque extraordinarium iudicium praefectorum vel vicariorum elicuerit vel qui iam consecutus est, eius adversarios et personas causae necessarias minime ad officium praefectorum vel vicarii pergere aut transire patiaris*, *Opt. App.* v, *equidem gentes minora interdum iudicia refugientes, ubi iustitia citius deprehendi potest, magis ad maiora iudicia auctoritate interposita, ad appellationem se conferre sunt solitae*, *CJ* III. xiii. 4, 331, *nemo post litem contestatam ordinariae sedis declinet examen, nec prius praefecti praetorio aut comitis Orientis vel alterius spectabilis iudicis imploret auxilium, sed appellatione legibus facta ad sacrum auditorium veniat*, *CTh* II. i. 6, 385, *exceptis his, quibus extra ordinem subvenitur, omnes iacturam litis incurrant, qui non ante in proprio foro iurgaverint, siquidem possint venire ad altioris iudicis notionem, cum iudicatum quod displicet appellatione excluserint*, *CJ* III. xiii. 5, 397, *in criminali negotio rei forum accusator sequatur. is vero, qui suam causam sive criminalem sive civilem sine caelesti oraculo in vetito vocabit examine aut executionem poposcerit militarem, actor quidem propositi negotii actione multetur, reus vero pro condemnato habeatur*, *CTh* II. i. 9, 397, *si quis neglectis iudicibus ordinariis sine caelesti oraculo causam civilem ad militare iudicium crediderit deferendam, praeter poenas ante promulgatas intellegat se deportationis sortem excepturum*, *CJ* I. xlv. 2, 416, *praecipimus, ne quando curiales vel privatae condicionis homines ad militare exhibeantur iudicium vel contra se agentum actiones excipiant vel litigare in eo cogantur*, *Th. II, Nov.* iv, 438, *Marc. Nov.* i, 450; note especially §2, *has ergo ob causas nullum adversarium suum a proximis vel longinquis partibus, non per sacros adfatus, non per magnificentissimorum vel inlustrium iudicum sententias volumus exhibere, nisi forsitan aut propter potestatem adversarii aut ipsius rei difficultatem aut publici debiti molem deficiente rectore provinciae specta-*

bilis iudicis, qui in locis vel proximo deget, vel amplissimae potestatis vel aliorum maiorum iudicum auxilium postuletur; cf. *CTh* I. xv. 1, 325, ne tua gravitas occupationibus aliis districta huiusmodi rescriptorum cumulis oneretur, placuit has solas causas gravitati tuae iniungere, in quibus persona potentior inferiorem aut minorem iudicem premere potest aut tale negotium emergit, quod in praesidali iudicio terminari fas non est, vel quod per eosdem praesides diu tractatum apud te debeat terminari. For an actual case of *exhibitio* see the *libellus* of Sophronius in *A. C. Oec.* II. i. 219. Wishing to sue a protégé of the all powerful patriarch Dioscorus, Sophronius went straight to Constantinople and obtained τὸς θελοὺς τύπους, ἐτι δὲ καὶ τὰς μεγίστας ἀποφάσεις τῶν μεγάλων καὶ ἐξοχωτάτων ἐπαρχῶν, εἰκότως δὲ καὶ τὸν ταῦτα συνεκβεβάζοντα, φημὶ δὴ τὸν αἰδεσιμὸν Θεόδορον τὸν ἐκ τῆς μεγίστης τάξεως.

53. VICAR OF PONTICA: Just. *Ed.* viii, 548. PROHIBITION OF EXHIBITIO: Just. *Nov.* lxix §4, 538.

54. Just. *Nov.* lxix §§2-3, 538.

55. Malalas, 384.

56. *CJ* III. i. 13, 530, properandum nobis visum est, ne lites fiant paene immortales et vitae hominum modum excedant, cum criminales quidem causas iam nostra lex biennio conclusit et pecuniariae causae frequentiores sunt et saepe ipsae materiam criminibus creare noscuntur, praesentem legem super his orbi terrarum ponendam, nullis locorum vel temporum angustiis coartandam ponere. censemus itaque omnes lites super pecuniis . . . non ultra triennii metas post litem contestatam esse protrahendas. APPEALS: *CJ* VII. lxiii. 2, 440, tempora fatalium dierum pro saeculi nostri beatitudine credidimus emendenda ubique dilationum materias amputantes. et primi quidem fatalis diei tempora post appellationem, sive a viro clarissimo rectore provinciae sive a spectabili iudice fuerit appellatum, sex mensuum esse iubemus. quod si primo fatali die lapsus est appellator, tricesimum primum diem alterum volumus esse fatalem. quod si eo quoque appellator exciderit, tertium similiter totidem diebus intermissis fatalem observari decernimus. quod si tertius quoque lapsus fuerit temporalis, quartum etiam fatalem post tricesimum primum diem similiter observari decernimus. quod si ita contigerit, ut quattuor fatalibus diebus qui appellavit exciderit, tunc intra trium alium mensum spatium a nostro numine reparationem peti praecipimus; 5 §1, 529, sancimus itaque, si quidem ab Aegyptiaco vel Libyco limite vel Orientali tractu usque ad utrasque Cilicias numerando vel Armeniis et gentibus et omni Illyrico causa fuerit more appellationum transmissa, primum semestre spatium in antiqua definitione permanere et nihil penitus neque deminui neque adcrecere. sin autem ex aliis nostri imperii partibus sive Asianae sive Ponticae sive Thraciae dioeceseos lis provocatione suspensa in hanc regiam urbem perveniat, pro semestri spatio trium tantummodo mensum spatium eis indulgeri: aliis trium mensum spatiis, id est nonaginta tribus diebus simili modo sequentibus sive semestre tempus sive tres priores menses secundum locorum definitionem, quam designavimus. sed et aliis tribus mensibus, qui ex reparatione ab aula concedi solent, in suo robore duraturis et prioribus accedentibus, ut partim annale numeretur, partim novem mensum spatium consequatur. et cum antea in fine cuiusque temporis unus fatalis dies ex antiquis legibus constitutus est et saepe eveniebat (cum multae sunt occasiones mortales appellationum) vel aegritudine vel spatii prolixitate vel per alias causas, quas nec dici nec enumerari facile sit, eundem diem fatalem non observari et lites expirare et huiusmodi luctuosis infelicitatibus



patrimonia hominum titubare, propter hoc fortunae relevantes insidias sancimus non in unum diem fatalem standum esse in posterum, sed sive ante quartum diem fatalis luminis et ipsum fatalem sive post quinque dies, ex quo ortus fatalis effluerit, appellator venerit et litem instituendam curaverit et eam in competens iudicium deduxerit, legi videri satisfactum. The older procedure is referred to in *CTb* xi. xxx. 63, 405, ubi vero in longioribus ac remotis provinciis eadem litis ac dilationis ratio pensabitur, ad eorum instar, quos a rectoribus provinciarum eorumque sententiis convenit appellare, sex mensum temporalis dies, trium reparationis nomine dilatio praebeatur. There are also frequent allusions to the three months allowed for *reparatio*, *CTb* xi. xxxi. 1, 364, 3, 368, 4, 369, 5, 6, 370 (S), 7, 379; law 9, 423, allows four months in some cases and alludes to *secunda reparatio*, first grudgingly permitted by law 2, 365.

57. *CJ* vii. lxiii. 5 §4, 529.

58. Two months with another month for *reparatio* was usual in appeals from lesser judges, *CTb* xi. xxx. 10, 320, xxxi. 1, 364, 3, 368, 8, 392; longer delays are permitted by *CTb* xi. xxxi. 9, 423, *CJ* vii. lxiii. 2 §§4-6, 440. FISCAL CASES: *CTb* xi. xxx. 41, 383, 45, 46, 385, 64, 412. CONSULTATIONES: *CTb* xi. xxx. 34, 364, si quisquam ausus consultationem sequi circa limina palatii nostri comitatumve fuerit deprehensus, aestimatae litis, quae in controversiam venit, medietatem in auro atque argento fisci viribus inferre cogetur, 47, 386, cum antea sit constitutum, ut consultationem iudicis ad comitatum sacrum missam litigatorum nemo sequeretur, hoc integra deliberatione sancimus, ut, si ad consultationem anno decurso non fuerit aliqua ratione responsum, litigatores quorum interest collectis omnibus gestis et ipsius relationis exemplis veniendi ad comitatum nostrae serenitatis habeant liberam facultatem, 54, 395, 66, 419, *CJ* vii. lxiii. 3, 518, 5 §2, 3, 529, in his autem casibus in quibus biennium constitutum est, quatenus more consultationum in regia urbe sub communi audientia florentissimorum nostri palatii procerum ventilentur, biennii metas unius anni terminis coartamus, ut intra eum et gesta colligere et ea viris devotis epistularibus tradere et refutatorios libellos, si voluerint, offerre et litem in sacrum nostrum consistorium introducere cogantur: nulli licentia deneganda victrici parti, si voluerit, secundum quod iam constitutum est, et praemature causas inducere neque annali spatio expectato. si tamen in sacro nostro consistorio lis exordium cepit, etsi non fuerit in eodem die completa, tamen perpetuari eam concedimus, cum iniquum sit propter occupationes florentissimi ordinis, quas circa nostrae pietatis ministeria habere noscitur, causas hominum deperire.

59. Just. *Nov.* xlix pr. §2, 537, sed plurimi interpellaverunt nos, dicentes se quidem denuntiassent appellantis, et voluisse litem examinari, non tamen ab ipsis iudicibus impetrare valuisse propter quasdam forsitan inevitabiles occupationes. alii vero etiam ventorum immensitatem accusaverunt, et quia navigare non licuisset de provincia, contrariis flantibus ventis, per terram vero venire non valentes propter inopiam, aut certe quia in insula commanentes aliter; nisi per mare, venire non poterant, et propterea non valuerunt examinare usque ad finem negotium neque secundo anno, et quidam tempestatum acerbiter, alii languorem inevitabilem, quae omnia ex ipsis agnoscimus rebus nobis insinuatis. PROVINCIAL GOVERNORS: Lib. *Or.* xlv. 17 ff. The usual excuse for *reparatio* was that the judge could not hear the case because of 'aegritudo vel occupatio actuum publicorum', *CTb* xi. xxxi. 9, 423, cf. 2, 365, 3, 368, 4, 369. For the consistory see *CJ* vii. lxiii. 5 §3, 529 (cited in

n. 58), Just. Nov. xxiii §2, 535, ad hoc sancimus, si quando lis speratur in nostrum inferri consistorium, si forte contigerit imperatoriam maiestatem occupatam publicis causis ex mundanis provisionibus non posse convocare patres, quatenus causa agitetur, non ex hoc litem periclitari. quod enim vitium est litigantium, si culmen imperatorium occupetur? For the delays which a *relatio* might cause see Lib. *Ep.* 1235, *δίκης δὲ αὐτῷ γενομένης ἐν ἡ πόλεμός τις ἐξεφάνη νόμων, εἶδε μὲν ὁ κράτιστος Σέκουνδος* (the praetorian prefect), *ὡς οἶμαι, τὰ τοῦδε τοὺς ἐτέρους τρέποντα, νομίσας δὲ μακρῷ βέλτιον βασιλέως γνώμη τὸν ἀγῶνα λυθῆναι τῶν νόμων γράφας ἐρωτᾷ τὸν τότε κρατοῦντα* (Jovian) *τί χρὴ δρᾶν. ὁ δὲ μέλλων ἀποκρίνεσθαι ὥχeto. μετὰ ταῦτα ἀσχολία τοῖν βασιλείων* (Valentinian and Valens) *καὶ πλήθος πραγμάτων*.

60. For the dilatory wiles of lawyers see Amm. xxx. iv. 13, qui inter sollicitudines iudicum per multa distentas, irresolubili nexu vincientes negotia, laborant, ut omnis quies litibus implicetur, et nodosis quaestionibus de industria iudicia circumscribunt, quae cum recte procedunt, delubra sunt aequitatis: cum depravantur, foveae fallaces et caecae: in quas si captus ceciderit quisquam, non nisi per multa exsiliet lustra, ad usque ipsas medullas exsuctus. UNNECESSARY RELATIONES: *CTb* xi. xxxix. 1, 325, xxx. 13, 329 (S), xxxix. 2, 333, i. v. 4, 342, xi. xxx. 55, 399 (S).

61. *CTb* i. xvi. 7, 331, cessent iam nunc rapaces officialium manus, cessent, inquam: nam nisi moniti cessaverint, gladii praeceduntur. non sit venale iudicis velum, non ingressus redempti, non infame litationibus secretarium, non visio ipsa praesidis cum pretio. aequae aures iudicantis pauperrimis ac divitibus reserentur. absit ab inducendo eius qui officii princeps dicitur depraedatio; nullas litigatoribus adiutores eorundem officii principum concussionis adhibeant; centurionum aliorumque officialium parva magnaue poscentium intolerandi inpetus obdantur eorumque, qui iurgantibus acta restituunt, inexplata aviditas temperetur.

62. *CTb* i. xxix. 5, 370, utili ratione prospectum est, ut innocens et quieta rusticitas peculiaris patrociniū beneficio fruatur, ne forensis iurgii fraudibus fatigata, etiam cum ultionem posceret, vexaretur; dum aut avarior instruitur advocatus aut obsessor liminis maioribus princeps praemiis exoratur, dum acta ab exceptoribus distrahuntur, dum commodi nomine amplius ab eo qui vicerit intercessor exposcit quam redditurus est ille qui fuerit superatus.

63. *FIR* 1<sup>2</sup>. 64.

64. Justinian's law on *sportulae*, which is lost in *CJ* iii. ii, de sportulis et sumptibus in diversis iudiciis faciendis et de exsecutoribus litium, is referred to in *Inst.* iv. vi. 25, *Nov.* xvii §3, 535, lxxxii §7, lxxxvi §9, 539, cxxiv §3, 545. In *P. Cairo*, 67031, an edict of the governor of the Thebaid on *sportulae*, there appear to be allusions to Justinian's law (*τῷ φιλανθρώπῳ σκόπῳ τῶν εὐσεβεστ' καὶ γαληροτάτων [βασιλέων]*; the plural refers to Justinian and Theodora).

65. SPECIAL SCALES FOR AGENTES IN REBUS: *CJ* xii. xxi. 8, 484, cf. xx. 6 §3; FOR CASTRENSIANI: *CJ* xii. xxv. 4, 474; FOR SCHOLARES: *CJ* xii. xxix. 3 (474-91); FOR SACRA SCRINIA: *CJ* xii. xix. 12 (497-518); FOR CLERGY: *CJ* i. iii. 25 §2, 456, 32 §5, 472, *Leg. Saec.* 118.

66. *CJ* i. iii. 25 §2, 456. Joh. Lydus, *Mag.* iii. 25, *πόθεν γὰρ ἔμελλον λαμβάνειν, τῆς μὲν ἀρχαίας συνθηλαίας ἐχούσης ἑπτὰ καὶ τριάκοντα χρυσίνους παρέχεσθαι τῇ τάξει διπλὸν μονομεροῦς ἐντεῦξως πρὸς τῶν ὀπωσοῦν εἰσβαλλόντων ἐν τοῖς τότε μεγίστοις δικαστηρίοις, τὸ δὲ λοιπὸν χαλκοῦ κάρτα μετρίον (οὐ γὰρ χρυσίου), ὥσπερ εἰς ἔλαιον, οἰκτρῶς καὶ οὐδὲ συνεχῶς ἐπιδιδόμενον;*

67. TRIALS SINE SCRIPTIS: Just. Nov. xvii §3, 535, sit tibi quoque tertium studium lites cum omni aequitate audire, et omnes quidem breviores et quaecumque maxime vilium sunt ex non scripto decidere et iudicare et liberare homines alterna contentione, et non permittere ultra quam continetur sacra nostra constitutione occasione casualium expensarum damnificari, si tamen sufficientes in datione consistunt. alioquin etiam gratis lites audire et non permittere ex negligentia de provincia cui praesides ad hanc currere felicissimam civitatem et nobis molestum esse. From *P. Cairo*, 67031, it would appear that the *sportulae* were at half rate when the case was tried *sine scriptis*. The edict seems to distinguish an αἰτῶν ἄγραφον, as against ταῖς ἐγγράφοις ἐντεύξασιν, and lays down two fees; οὐδὲν πλέον τῶν δύο κερατίων ὀφείλων καταθεῖναι ἐπὶ τὸν ὑπομνήσκοντα, and κερᾶτια τέσσαρα καταβαλέτω ἐπὶ τὸν ὑπομνήσκοντα. ALEXANDER: Josh. Styl. 29.

68. On the promotion of barristers see n. 97.

69. BARRISTERS AS DEFENSORES: *CTh* I. xxix. 1, 3, 368 (S), *P. Oxy.* 902, 1882-3, *PSI* 790, *P. Cairo Preis.* 7, *P. Cairo*, 67329, *BGU* 1094. *Lib. Ep.* 1353 appears to refer to a retired barrister who has been appointed *defensor* of a city.

70. On assessors see Lact. *Mort. Pers.* xxii, iudices militares humanitatis litterarum rudes sine adessoribus in provincias inmissi, *CJ* I. li. 1, 286, 2, 320, 3, 399 (S), *CTh* I. xxxiv. 1, 400, 2, 422, *CJ* I. li. 10, 439. SALARIES: *CJ* I. xxvii. 2 §22, 25, 28, 31, 34, 534 (African *duces*), Just. Nov. xxiv §6, xxv §6, xxvi §5, xxvii §2, xxviii §3, xxix §2, xxxi §1 (*spectabiles iudices*), xxx §6 (proconsul of Cappadocia), cii §2 (*moderator* of Arabia), *Ed.* xiii §4 (Augustal prefect), *CJ* I. xxvii. 1 §21 (*Ppo* of Africa). RANK: *CTh* VI. xv. 1, 413, *Sid. Ap. Ep.* I. 3, unde te etiam par fuerit privilegio consiliorum praefecturae, in quae participanda deposceris, antiquati honoris perneciter sarcire dispendium, ne si extra praerogativam consiliarii in concilium veneris solas vicariorum vices egisse videare. Cf. *CJ* I. li. 11, 444, for other privileges of assessors of the *Ppo*, *PU*, *mag. mil.*, and *mag. off.*

71. ALYPIUS: Aug. *Conf.* VI. 16 (cited in n. 74), VIII. 13, mecum erat Alypius otiosus ab opere iuris peritorum post assessionem tertiam, expectans, quibus iterum consilia venderet. TATIANUS: *ILS* 8844, Τατιανὸς μετὰ δικανικὴν [τοῖς] ἀρχουσιν συνκαθεσθελός, ἡγεμόνι, βικαρίῳ, ἀνθυπά[τῳ], δυνάμει ἐπ' ἀρχαῖς. Cf. *CJ* I. li. 12 (450 or 455), liceat omnibus iudicibus illustri praeditis potestate consiliarios sibi eosdem secundo ac tertio et saepius iniungere, quia qui semel recte cognitus est, ob hoc solum non debet, quod iam probatus est, improbari. According to *CJ* I. li. 14, 529, a barrister might resume his practice after being an assessor.

72. Just. Nov. lxxxii, 539; cf. also *CJ* II. vii. 25 pr., 519.

73. On judicial corruption and *suffragia* see pp. 396, 399.

74. Aug. *Conf.* VI. 16, et ter iam adsederat mirabili continentia ceteris, cum ille magis miraretur eos, qui aurum innocentiae praeponerent. temptata est quoque eius indoles non solum inlecebra cupiditatis sed etiam stimulo timoris. Romae adsidebat comiti largitionum Italicianarum. erat eo tempore quidam potentissimus senator, cuius et beneficiis obstricti multi et terrori subditi erant. voluit sibi licere nescio quid ex more potentiae suae, quod esset per leges illicitum; restitit Alypius. promissum est praemium: inrisit animo. praetentae minae: calcavit mirantibus omnibus inusitatam animam, quae hominem tantum et innumerabilibus praestandi nocendique modis ingenti fama celebratum vel

amicum non optaret vel non formidaret inimicum. ipse autem iudex, cui consiliarius erat, quamvis et ipse fieri nolle, non tamen aperte recusabat, sed in istum causam transferens ab eo se non permitti adserebat, quia et re vera, si ipse faceret, iste discederet.

75. Lib. *Or.* LI, LII, *CTb* I. xvi. 13, 377, ne quis domum iudicis ordinarii postmeridiano tempore ex occasione secreti ingredi familiariter affectet eiusdem dumtaxat provinciae, sive notus iudici sive etiam ignotus, gesti tamen honoris auctoritatem praeferebat, xx. 1, 408, honorati, qui lites habere noscuntur, his horis, quibus causarum merita vel fata penduntur, residendi cum iudice non habeant facultatem: nec meridianis horis a litigatoribus iudices videantur.

76. LETTERS TO JUDGES: Lib. *Ep.* 56, 105, 110, 1168-9, 1237-8, 1249, 1398, Basil, *Ep.* 107, 109, 177-90, Greg. Nyss. *Ep.* 7, Greg. Naz. *Ep.* 22-4, 105, 146-8, Symm. *Ep.* I. 69, II. 87, VII. 108-9, Ennod. *Ep.* VIII. 23. GREAT MEN ON THE BENCH: Lib. *Or.* LII. 4 ff. TRANSFER OF LITIGATION TO POTENTES: *CJ* II. xiii. 1, 293, *CTb* II. xiv. 1, 400, xiii. 1, 422.

77. Marc. *Nov.* i pr. §§1, 2, 450, videtis enim agmina, videtis catervas adeuntium infinitas non solum a finitimis provinciis, verum extremo orbis Romani limite confluentes et adversum suos adversarios conquerentes. quod profecto nullatenus accidisset, si in locis integritas vel severitas iudicum florisset. ne igitur huiusmodi flagitia etiam ulterius porrigantur, ne quis desertis laribus suis aut certe dulcibus pignoribus per incognitas mundi partes diutius pervagetur, hoc consultissimo edicto statuendum pariter et omnibus declarandum pietas nostra decernit. quicumque civilem actionem vel certe criminalem accusationem adversariis suis intendere moliantur, viros clarissimos adeant provinciarum rectores et expositis querimoniis insinuatique desideriis suis paratissimum promptissimumque posthac subsidium iuris expectent. illi noxiae potentiae vim legum benignam obponant, illi divitiis integram mentem obiciant. non illos supercilium, quod hoc tempore nullum est, terrebit, non effeminabit mentem severam quilibet census oblatus. sed unicuique, non altiore suspecta, non despecta humiliore fortuna, nostrae mandatorum non inmemores pietatis et antiquo et nostro iure succurrent et querimonias suas probantibus aut indemnitate servata aut legitima vindicta consulunt subsecuta. has ergo ob causas nullum adversarium suum a proximis vel longinquis partibus, non per sacros adfatus, non per magnificentissimorum vel inlustrium sententias volumus exhibere, nisi forsitan aut propter potestatem adversarii aut ipsius rei difficultatem aut publici debiti molem deficiente rectore provinciae spectabilis iudicis, qui in locis vel proximo deget, vel amplissimae potestatis vel aliorum maiorum iudicum auxilium postuletur.

78. For the quaestor and *magistri scriniorum* see pp. 367-8; their duties are set out in *Not. Dig. Or.* xii, xix, *Occ.* x, xvii (cited in ch. XII, n. 3).

79. For *relationes* and for legislation arising from them see p. 349. For *preces* or *libelli* and rescripts and for legislation arising from them see p. 350.

80. *CTb* VIII. xv. 1 (Constantine), xi. xxxix. 5 (Julian), 8 (Theodosius), cf. also iv. xx. 3 (Theodosius). Cf. the account given of Julian's behaviour as a judge in *Amm.* xviii. i. 2-4 and xxii. x. 1-5.

81. *CJ* VII. lxii. 32, 440, praecipimus ex appellationibus spectabilium iudicum, quae per consultationes nostri numinis disceptationem implorant, non nostram ulterius audientiam expectari, ne nostris occupationibus, quibus pro utilitate mundi a singulorum nonnumquam negotiis avocamur, aliena fraudari commoda

videantur. sed si a proconsulibus vel Augustali vel comite Orientis vel vicariis fuerit appellatum, virum illustrem praefectum praetorio, qui in nostro est comitatu, virum etiam illustrem quaestorem nostri palatii sacris iudiciis praesidentes disceptationem iubemus adripere eo ordine, ea observatione, isdem temporibus, quibus ceterae quoque lites fatali die post appellationem in sacris auditoriis terminantur. For the dress and other formalities see Just. *Nov.* cxxvi §1, 546. John Lydus (*Mag.* II. 17) describes a trial in the good old days, *πάσης τῆς βουλῆς προτρεχούσης ἐν τοῖς λεγομένοις σιλεντίοις*; from this passage it appears that the emperor was not normally present, but that his portrait was carried before the praetorian prefect.

82. Marc. *Nov.* v pr., 455. For Justinian's allusions to his personal jurisdiction see ch. XI, n. 59. DELEGATION OF APPEALS: *CJ* VII. lxii. 34, 520-24, 37, 529.

83. *CTh* XI. xxxix. 5, 362, pars actorum habitorum apud imperatorem Julianum Augustum Mamertino et Nevitta cons. X kal. April. Constantinopoli in consistorio: adstante Iovio viro clarissimo quaestore, Anatolio magistro officiorum, Felice comite sacrarum largitionum. MAGISTRI SCRINIORUM: *CJ* XII. ix. 1, 444, viris spectabilibus magistris omnium sacrorum scriniorum nostrae benevolentiae liberalitas tribuenda est, qui nostrae quodammodo adsidere maiestati videntur. For *comites consistoriani* see n. 85.

84. Marc. *Nov.* v pr., 455, nuper cum de testamento clarissimae memoriae feminae Hypatiae, quae inter alios virum religiosum Anatolium presbyterum in portione manifesta bonorum suorum scripsit heredem, amplissimo senatu praesente tractaret pietas mea, Just. *Nov.* lxii §1, 537.

85. For the choice of quaestors and *magistri scriniorum* see p. 387. The rank and privileges of *comites consistoriani* are defined in *CTh* VI. xii. 1, 399, *CJ* XII. x. 2 (491-518), Cass. *Var.* VI. 12. That many were honorary appears from *CTh* VI. xxii. 8 §1, 425, quin et de consistorianis comitibus hoc nobis universi placere cognoscant, ut his, qui vel absentes sunt facti vel testimonialibus tantum adepti sunt dignitatem, praecedant qui admitti intra consistorii arcanum meruerunt et actibus interesse et nostra adire responsa; cf. *CJ* X. xxx. 3, 442, which suggests that many lived in the provinces, and Val. III, *Nov.* VI. 3, 444, which exempts from a levy of recruits imposed on *comites consistoriani* and other *honorati* 'pro excubiis praesentibus viginti consistorianos comites'. HONOUR FOR BARRISTERS: *CJ* II. VII. 8, 440, 23, 506. CODE COMMISSIONS: *CTh* I. I. 5, 429, 6, 435; cf. Th. II, *Nov.* I §7, 438.

86. BAR CLASSED AS MILITIA: *CJ* II. VII. 14, 469; cf. *CTh* I. xxix. 1, 368 (S), aut forensium stipendiorum egere militiam. Barristers were accorded the military privilege of *peculium castrense* in the Eastern parts in 422 (*CTh* II. x. 6) and the privilege was confirmed in the West in 442 (Val. III, *Nov.* II. 2 §4). CONSTANTINE'S RULE: *CTh* II. x. 1 + 2, 319, iussione subversa, qua certus advocatorum numerus singulis tribunalibus praefinitus est, omnes licentiam habeant, ut quisque ad huius industriae laudem in quo voluerit auditorio pro ingenii sui virtute nitatur . . . destituuntur negotia et temporibus suis excidunt, dum advocati per multa officia et diversa secretaria rapiuntur; ideoque censuimus, ne hi, qui semel protestati fuerint, quod apud te causas acturi sunt, apud alium iudicem agendi habeant potestatem. ANTIOCH: Lib. *Or.* XI. 191. COMES REI PRIVATAE: *CJ* II. VII. 20, 497; this law appears to be a conflation of two, referring to the advocates of the *CRP* and of the proconsul of Asia. PRAEFECTUS VIGILUM: *CTh* II. x. 1 + 2, 319.

87. PRIORES ADVOCATI OF PPO ORIENTIS AND PU CONST.: Th. II, *Nov.* x. 1 pr., 439, *CJ* II. vii. 7, 439, 15, 472, 16, 474, 26 pr., 524.

88. AFRICANS: Val. III, *Nov.* ii. 3, 443. PROVINCIAL BARRISTERS: Val. III, *Nov.* ii. 2 §2, 442.

89. The twenty years rule was abolished by Th. II, *Nov.* x. 2, 439, *eloquentia non ut aliae res senio deterioratur. nullus enim eius est finis, nisi exercitationis eius cottidianae studium denegetur. unde advocacionem certo tempore artare litigatoribus noxium, grave iudicantibus aestimantes constitutionem abrogamus, quae XX annorum curriculis silentium imperat advocatis.* It appears to have been introduced about 388 (Lib. *Ep.* 857, ἔήτωρ ὧν ἀγαθὸς οὐτοσὶ Διόγνητος καὶ πολλοῖς σεσωκῶς καὶ ψυχὰς καὶ τὰ ὄντα, ἔπειτα νόμῳ τῷ περὶ τοῦ χρόνου σιγᾶν ἡγαγκασμένος συμφορὰν τε ἡρεῖται τὸ μὴ τὰ αὐτοῦ ποιεῖν ἄχθος τε τῆς γῆς αὐτὸν καλῶν οὐ παύεται). It was soon revoked (Lib. *Ep.* 916, νῦν καλῶς εἰργάσθαι συγχωρῶ τὸν περὶ τοῦ νόμου λόγον, ἐπειδὴ σὺ ταῦτα περὶ αὐτοῦ καὶ λέγεις καὶ γράφεις. οὐ μέντοι μετὰ τὴν λύσιν τοῦ κωλύοντος νόμου λέγειν ἐγράφη μελέτης εἵνεκα, ἀλλ' αὐτὸ τοῦτ' ἀγωνιζόμενος αἰεὶ λέγειν ἐξεῖναι τοῖς δυναμένοις λέγειν), but must have been re-enacted. The limit was reimposed by Val. III, *Nov.* ii. 4, 454, *dudum laxata lex exceptis inlustribus foris ceteris ac provincialibus perpetuitatem concesserat actionis. sed nunc ad crescentem pubem et litterariae indolis iuventutem aditi exoratique sumus, ne sub aliorum perpetuitate succedentium studiorum fervor evanescat. quis enim se ei officio novus professor inserat, quod veteranus insederit, ut non sit tam auctor quam observator alterius: cf. ii. 2 §2, quibus ad agendum viginti annos, non ut adpropinquare vicesimum, sed ut explere fas sit, legis huius auctoritate decernimus.* For the paucity of barristers see Val. III, *Nov.* xxxii §8, 451.

90. NUMERUS CLAUSUS FOR BAR OF THE PPO ORIENTIS: Th. II, *Nov.* x. 1, 439, *CJ* II. vii. 8, 440, 11, 460; OF THE PPO ILL.: *CJ* II. vii. 17, 474 (there is no reason to prefer the figure 150 of the inferior MSS); OF THE PU: tit. cit. 26, 524; OF THE PRAEF. AUG.: tit. cit. 13, 468; OF COM. OR.: tit. cit. 22, 505; OF PRAESES SYRIAE II: tit. cit. 24, 517.

91. BIENNIAL TERM: *CJ* II. vii. 13, 468 (*praeef. Aug.*), 22, 505 (*com. Or.*), 24, 517 (*praeses Syriae* II). ANNUAL TERM: *CJ* II. vii. 8, 440 (*PPO Or.* and *PU*), 12, 463 (*PPO Ill.*, extended to two years). TWO PATRONI FISCO OF PPO OR.: *CJ* II. vii. 10, 452.

92. SALARY: *CJ* II. vii. 26 §4, 524 (*PU*), 25 pr., 519 (*PPO Or.*). PRIVILEGES: *CJ* II. vii. 8, 440, 23, 506, 25, 519 (*PPO Or.*), cf. 13, 468 (*praeef. Aug.*), 20, 497 (*CRP* and *proconsul of Asia*).

93. STATUTI AND SUPERNUMERARII: *CJ* II. vii. 11, 460, 13, 468. HEIRS OF PATRONI FISCO: *CJ* II. vii. 15, 472, 22 §6, 505, 24 §6, 517. PURCHASE OF SENIORITY: *CJ* II. vii. 26 §1, 524, *interdicenda quoque cunctis licentia praevertendi progressum seriem, quam ipsius temporis ordo suppeditat, et ut in mercatorum contractibus loca permutandi et adhuc tirones iam interesse veteribus; cf. 27, 524, nemo excepta Menandri fisci patroni persona speret de cetero permutationum saltibus superiore gradu captato fruiturum.* IDLE ADVOCATES DISBARRED: *CJ* II. vii. 26 §2, 524, 29 (531-4.)

94. *CJ* II. vi. 6 §4, 370 (S), *apud urbem autem Romam etiam honoratis, qui hoc putaverint eligendum, eo usque liceat orare, quousque maluerint, videlicet ut non ad turpe compendium stipemque deformem haec adripiatur occasio, sed laudis per eam augmenta quaerantur.* POSTUMIANUS: *Macr. Sat.* I. 2.

CELSUS: Symm. *Rel.* 23. AMBROSE: Paul. *V. Amb.* 5. Cf. also *ILS* 1272, Symm. *Ep.* II. 42, v. 41, for *virī clarissimi* who were barristers, and *ILCV* 87, recording Floridus, who was urban praetor, assessor to the *vicarius urbis*, governor of Liguria, assessor at Rome again, and finally 'publica post docuit Romani foedera iuris'; he was evidently a serious lawyer.

95. MAXIMUM OF 100 SOLIDI: *Dig.* L. xiii. 1 §12. EXCESSIVE FEES, ETC.: *CJ* II. vi. 5, 325, *CTh* II. x. 4, 326, VIII. x. 2, 344; cf. the case of Heliodorus cited in n. 98. FEES IN PROVINCIAL COURTS: *FIR* 1<sup>2</sup>. 64; similar fees are also prescribed in *Ed. Diocl.* vii. 72-3, *advocato sive iurisperito mercedis in postulatione \* ducentos quinquaginta, in cognitione\* mille* (equivalent to 2½ and 10 *modii*). ADVOCATES AS SACERDOTES PROVINCIAE: *CTh* XII. i. 46, 358.

96. Val. III, *Nov.* ii. 2 §2, 442.

97. Val. III, *Nov.* ii. 2 §1, 442, neque enim oportet eos, quos semel adsciveris in seminarium dignitatum, non ita ad omnia esse defaecatos, ut idcirco digni universis honoribus habeantur, quod advocati esse meruerunt. ANASTASIUS: Joh. Lydus, *Mag.* III. 50. AEDESIUS: *ILS* 4152. MAXIMINUS: Amm. xxviii. 1. 6. Other examples of the promotion of barristers include Ambrose (Paul. *V. Amb.* 5), his brother Satyrus (Amb. *de exc. Sat.* 25, 49), Festus of Tridentum (Amm. xxix. ii. 22), Tatian (*ILS* 8844), Domnio (Lib. *Ep.* 861-2, an *advocatus fisci* who became proconsul of Asia), Theodorus (Lib. *Ep.* 1125, a lawyer who became governor), and *Princeton Exp. Syria*, 560, ἐπὶ Φλ' Ἀρχαδίου Ἀλεξάνδρον τοῦ λαμπροτάτου σχο' καὶ ἡγεμόνος, Eventius (*AE* 1953, 200, qui causas oravit meruitque pater conscriptus haberi, nec longo post aevo dixit iura Viennae), and Germanus of Auxerre (*V. Germani*, 1).

98. HELIODORUS: Lib. *Or.* LXII. 46-9. RHETORIC AND LAW: Lib. *Or.* II. 43-4; cf. his complaints in *Ep.* 1170, 1203, that nowadays a barrister has to know some law.

99. *CJ* II. vii. 11 §2, 460, iuris peritos etiam doctores eorum iubemus iuratos sub gestorum testificatione depromere, esse eum, qui posthac subrogare voluerit, peritia iuris instructum; 22 §4, 505, 24 §4, 517, nec de cetero quemquam, antequam per statuta tempora legum eruditioni noscatur inhaesisse, supra dicto consortio sociari. THE LEGAL COURSE: *Dig. const.* Omnem, §§1-5; in §7 the teaching of law was prohibited at Alexandria, Caesarea or anywhere else save the two capitals and Berytus. SEVERUS AND ZACHARIAS: Zach. *V. Sev.* pp. 11-12, 46-47. Agathias also studied both at Alexandria and Berytus (Agath. II. 15). In the West, though a legal education was not an official qualification for the bar, Germanus of Auxerre went to Rome to study law (*V. Germani*, 1), and Alypius, after a rhetorical training at Carthage, went on to Rome for law (Aug. *Conf.* vi. 11-3). It would appear from Lib. *Or.* LIV. 7-12 that a young barrister starting his career was much dependent on the goodwill of the governor (which it no doubt normally was expensive to obtain), and from Lib. *Or.* LXII. 41-2, that it was necessary for him to tip the officials of the court liberally.

100. COHORTALES: *CTh* VIII. iv. 30, 436, Th. II, *Nov.* x. 1 pr., 439, *CJ* II. vii. 8, 440, 17, 474, 21, 500.

101. *CJ* II. vii. 2, 378, qui necessario patriae suae debent municipio functiones, eos decurionibus adgregatos nolumus evagari, permittentes tamen, ut in negotiis causidicorum fungantur officiis et in civitatibus propriis subeant munia curiarum.

102. RELEASE FROM CURIA DENIED TO BARRISTERS: *CTh* XII. i. 46, 358, cum nulla umquam iura patronis forensium quaestionum vacationem civilium munerum praestituerint, 98, 383, eos quoque, qui advocationis obtentu curialia onera declinant, agere universa compellat, 116, 387, omnes, qui ex origine decurionum ad perorandas causas laudum atque industriae amore ducuntur, reddant patriae, cui nati sunt, debitas functiones nec sese superflui nominis praerogativa defendant, quando quidem facilius parere muniis possint, si necessitatem publicam eo tempore, quo student causis, industriae favore toleraverint. EXEMPTION OF HIGH COURT BARRISTERS IN THE WEST: Val. III, *Nov.* ii. 2 §§1 and 3, 442, xxxiii §7, 451; IN THE EAST: *CTh* XII. i. 188, 436, Th. II, *Nov.* x. 1, 439, *CJ* x. xxxii. 67 §2, 529. These laws may be renewals of an old privilege, for Libanius (*Ep.* 293) wrote to Modestus (praetorian prefect of the East under Valens) protesting against the imposition of curial burdens on two of his advocates and alluding to νόμον παλαιὸν βοηθοῦντα ἑήτορσιν ἐπὶ τῆς ἀρχῆς.

103. PREFERENCE FOR SONS OF ADVOCATES: *CJ* II. vii. 11, 460, 22 §5, 505, 24 §5, 517, 26 pr., 524. Admission fees are alluded to in the last three laws ('gratis et sine sumptibus', 'gratis videlicet et sine ullo suffragio').

104. THE DIGEST COMMISSION: *CJ* I. xvii. 2 §9, 533.

105. NOTARIES AND DECURIONS: *CTh* IX. xix. 1 + XII. i. 3, 316. THE NOTARIES OF APHRODITO: *P. Cairo*, 67283.

106. Just. *Nov.* xlv. 536, cf. lxxiii §7, 538. In *Sb* 9219, a μισθωτῆς ταβελλιόνων Ἐμποπολίτου certifies a deed of sale in A.D. 319. For the fees of notaries see *Ed. Diocl.* vii. 41, tabellioni in scriptura libelli bel tabularum in versibus n. centum \* x.

107. Priscus, 8 (pp. 86-88). Augustine (*Ep.* 153 §24) also regards judicial *sportulae* as justifiable.

108. *Sb* 8246, *Chr.* II. 96. Cf. *P. Thead.* 14, for another record of a case in which an interpreter appears.

109. *Symm. Rel.* 38.

110. FREEDMEN: *CTh* IV. x. 2, 423. ADSCRIPTICII: *CJ* XI. i. 2, 396. HONESTIORES AND HUMILIORES: Cardascia, *Rev. Hist. de Droit*, xxviii (1950), 305-37, 461-85.

111. TORTURE: *CJ* IX. xli. 8, 286-93, milites neque tormentis neque plebeiorum poenis in causis criminum subiungi concedimus, etiamsi non emeritis stipendiis videantur esse dimissi, exceptis scilicet his, qui ignominiose sunt soluti. quod et in filiis militum et veteranorum servabitur. oportet autem iudices nec in his criminibus, quae publicorum iudiciorum sunt, in investigatione veritatis a tormentis initium sumere, sed argumentis primum verisimilibus probabilibusque uti. et si his veluti certis indicibus ducti investigandae veritatis gratia ad tormenta putaverint esse veniendum, tunc id demum facere debebunt, si personarum condicio pateretur, 11, 290, divo Marco placuit eminentissimorum quidem nec non etiam perfectissimorum virorum usque ad pronepotes liberos plebeiorum poenis vel quaestionibus non subici, si tamen propioris gradus liberos, per quos id privilegium ad ulteriorem gradum transgreditur, nulla violati pudoris macula adspergit. in decurionibus autem et filiis eorum hoc observari vir prudentissimus Domitius Ulpianus in publicarum disputationum libris ad perennem scientiae memoriam refert, *CTh* ix. xxxv. 1, 369, 2, 376, 3, 377,



6, 399. CONSTANTINE'S RULE: *CTh* IX. xl. 1, 314, qui sententiam laturus est, temperamentum hoc teneat, ut non prius capitalem in quempiam promat severamque sententiam, quam in adulterii vel homicidii vel maleficii crimen aut sua confessione aut certe omnium, qui tormentis vel interrogationibus fuerint dediti, in unum conspirantem concordantemque rei finem convictus sit et sic in obiecto flagitio deprehensus, ut vix etiam ipse ea quae commiserit negare sufficiat. APPEAL BARRED BY CONFESSION: *CTh* XI. xxxvi. 1, 313 (S), 4, 339, 7, 348 (S).

112. Opt. *App.* ii (pp. 201-3).

113. Jerome, *Ep.* 1.

114. *Sirm.* 14, 409, ignorari ab his potuisse non credimus, quod commissum in civitatibus publice memoratur, quod iugis et magistratuum et ordinum cura, stationarii apparitoris sollicitudo, quae ministra est nuntiorum atque indicium, absentiae exhibet potestatum, . . . ut, si quisquam in hoc genus sacrilegii proruperit, ut in ecclesias catholicas intruens sacerdotibus et ministris vel ipsi cultui locoque aliquid importet iniuriae, quod geretur, litteris ordinum, magistratum et curatoris et notoriis apparitorum, quos stationarios appellant, deferatur in notitiam potestatum, ita ut vocabula eorum, qui agnosci potuerint, declarentur. STATIONARII: Aug. *En. in Psalm.* xciii. 9, Opt. 1. 14, 27, *Passio Philippi*, 3, *Acta Agapae*, etc. 3, προκαθίσαντος Δουλικίου ἡγεμόνος ἐπὶ τοῦ βήματος, Ἀρτεμίσιος κομμενταρήσιος εἶπεν· ὅποταν νοτωρίαν περὶ τῶν παρεστώτων τούτων ὁ ἐνθάδε στατιωνάριος ἀπέστειλεν πρὸς τὴν σὴν τύχην εἰ κελεύεις ἀναγινώσκω (there follows the report from Κάσανδρος βεγεφικιάριος); *Acta Saturnini*, etc. 2 (they are arrested 'a coloniae magistratibus atque ab ipso stationario milite'); *CTh* VIII. iv. 2, 315, V. 1, 315, VII. xx. 2, 326 (S), VI. xxix. 1, 355, *Sirm.* 14, 409, *P. Harris*, 91, *P. Brem.* 83 (στατιωνάριος), *P. Oxy.* 2187 (ὁ στατῖζων βεγεφικιάριος or ὁ ἐπίσταθμος), 65, *P. Cairo Isid.* 63, *Aegyptus*, 1951, 323 (ὁ στατῖζων βεγεφικιάριος), *P. Cairo Isid.* 62 (ὁ στατῖζων). INSCRIPTIO: *CTh* IX. 1. 5, 320 (S), 8, 9, 366, 11, 368 (S), 14, 383, 19, 423. WARRANT BY GOVERNORS: *CTh* IX. ii. 4, 390, neminem iudicio exhibendum esse praecipimus, nisi de cuius exhibitione iudex pronuntiaverit. ARREST BY LOCAL AUTHORITIES: *CTh* IX. ii. 5, 409, defensores civitatum, curatores, magistratus et ordines oblatos sibi reos in carcerem non mittant, sed in ipso latrocinio vel congressu violentiae aut perpetrato homicidio, stupro vel raptu vel adulterio deprehensos et actis municipalibus sibi traditos expresso crimine prosecutionibus arguentium cum his, a quibus fuerint accusati, mox sub idonea prosecutione ad iudicium dirigant. In the Justinianic version of this law (*CJ* I. lv. 7) the words 'curatores, magistratus et ordines' are omitted, and in *CJ* IX. iv. 6, 529, only *defensores* are empowered to imprison accused persons. STATIONARII AND PRISONS: *CTh* VIII. iv. 2, 315, stationariis primipilariis, quorum manifesta sunt loca, coram mandatum est, ut, si extra modum aliquid extorserint, sciant se capite puniendos; praeterea ne carcerem habeant neve quis personam pro manifesto crimine apud se habeat in custodia, VI. xxix. 1, 355, memorati igitur curiosi et stationarii vel quicumque funguntur hoc munere crimina iudicibus nuntianda meminerint et sibi necessitatem probationis incumbere, non citra periculum sui, si insontibus eos calumnias nexuisse constiterit. cesset ergo prava consuetudo, per quam carceri aliquos immittebant.

115. MONTH'S GRACE FOR ACCUSED: *CTh* IX. ii. 3, 380, 6, 409. Augustine (*Ep.* 113-6) protested to the consular of Numidia and to the official who effected the arrest (and invoked the aid of the bishop of Cirta) in a case where

this rule was not observed, the victim being the *conductor* of an estate and his accuser its owner, a wealthy and influential man. CONDITIONS IN PRISONS: Lib. Or. XLV.

116. CONDITIONS IN PRISONS: *CTh* IX. iii. 1, 320, 7, 409. RULES FOR SPEEDY TRIAL: *CTh* IX. iii. 6, 380, *CJ* IX. iv. 6, 529. GENERAL PARDONS: *CTh* IX. xxxviii. 3, 367, 4, 370 (S), 6, 381, 7, 384, 8, 385, *Sirm.* 8, 386.

#### XV. SENATORS AND HONORATI (pp. 523-7)

On the later Roman senate there is no comprehensive work later than C. Lécrivain, *Le sénat romain depuis Dioclétien à Rome et à Constantinople*, Paris, 1888.

1. Symm. *Ep.* I. 52, orationem meam tibi esse complacitam nihilo setius gaudeo quam quod eam secunda existimatione pars melior humani generis senatus audivit, Pan. Lat. IV. 35 §2, sensisti, Roma, tandem arcem te omnium gentium et terrarum esse reginam, cum ex omnibus provinciis optimates viros curiae tuae pigneraris, ut senatus dignitas non nomine quam re esset illustrior, cum ex totius orbis flore constaret. Constantius II, in his speech recommending Themistius for election to the senate of Constantinople (*Them. Or.*), gives *χρημάτων εὐκλεία, κτημάτων περιουσία, πόνοι δημόσιοι, λόγων δεινότης*, and above all *ἀρετή*, as qualifications. The omission of birth is strange, and one may wonder whether *χρημάτων* has not replaced some such word as *προγόνων*.

2. Symm. *Or.* VIII.

3. Symm. *Or.* VI.

4. Symm. *Rel.* 5.

5. Symm. *Or.* VII.

6. See pp. 6-7, 19, 24, 48-9.

7. See pp. 7-8, 46-9.

8. See pp. 104-5.

9. CORRUPT GRANTS OF EQUESTRIAN RANK TO CURIALES: *CTh* VI. xxxviii. 1 (313-37), XII. i. 5, 317, VI. xxii. 1, 324 (S), XII. i. 26, 338, 36, 343, 41, 353, 42, 354, 44, 358; XII. i. 26, 36, 41 and 44 also refer to the *comitiva*. NUMERARII AND ACTUARI: *CTh* VIII. i. 6, 362, 10, 365; in *CTh* VIII. v. 36, 381, *manipes* of the *cursus publicus*, and in I. xxxii. 5, 386, former procurators of the *res privata* enjoy the perfectissimate. *CTh* VIII. iv. 3 + X. vii. 1 + X. xx. 1 + XII. i. 5, 317, record all four grades of the equestrian order (perfectissimatus vel ducenae vel centenae vel egregiatus). The egregiate is last mentioned in *CTh* VI. xxii. 1, 324 (S), sive perfectissimi sunt sive inter egregiorum ordinem locumque constiterint. THREE GRADES OF PERFECTISSIMATE: *CTh* VI. xxx. 7 §§2, 3, 4, 5, 7, 8, 11-13, 15-17, 384.

10. See pp. 106-7.

11. See pp. 132-6.

12. *Honorati* means strictly those who have received a *honor* or *dignitas*. The term sometimes denotes or includes senators (*CTh* vi. xxvii. 20, 21, 426, xvi. v. 54 §4, 414, Val. III, *Nov.* xi, 443, *CJ* xii. iii. 1, 426), but senators are sometimes distinguished from (lesser) *honorati* (*CTh* vii. xiii. 7 §2, 375, sive senator, honoratus, principalis, decurio vel plebeius, ix. xxx. 1, 364, exceptis senatoribus et honoratis). Usually in a provincial context *honorati* are ranked above decurions and *possessores* (*CTh* ix. xxvii. 6, 386, xvi. ii. 43, 418, Val. III, *Nov.* xv. 5, 444, *Maj. Nov.* iii, 458, *CJ* i. iv. 19, 505, iv. 8, 409, xi. xxxii. 3, 469). *Not. Dig. Or.* xlv shows a *praeses* as *clarissimus*, but *Not. Dig. Occ.* xlv as *perfectissimus*; the latter is presumably an uncorrected anachronism, but implies that *praesides* had only recently acquired the clarissimate in the West, perhaps after the basic text of the *Notitia* was drafted c. 408. By this date most *praesides* were no doubt already *clarissimi* by birth or special grant; the latest recorded *praesides perfectissimi* seem to be Flavius Felix Gentilis of Mauretania Sitifensis (*CIL* viii. 20266, A.D. 379-83), Flavius Benedictus of Tripolitania (*IRT* 103, 571, A.D. 378): also Flavius Sexio, *corrector* of Apulia and Calabria (*CIL* ix. 333, A.D. 379-95). The earliest example of a *clarissimus tribunus* that I can find is in 419 (*Coll. Avell.* 16 §4, *habito cum v.c. tribuno Sereniano tractatu*; he seems to be an ordinary regimental tribune, cf. the soldiers (*contubernales*) mentioned in §§ 5 and 6). The next example that I can trace is in 431-2 (*A.C.Oec.* i. iv. pars ii, 170, *ammirandissimus et clarissimus tribunus Euricianus*; he is an officer serving under Titus, the *vicarius* of the *magister militum per Orientem*). That the perfectissimate was still bestowed in the sixth century is implied by the retention of *CTh* vi. xxxviii. 1 (313-37) as *CJ* xii. xxxii. 1. *Equites Romani* seem also to have survived at Rome (*CTh* vi. xxxvii. 1 = *CJ* xii. xxxi. 1, 364). GRANT OF COMITIVA TERTII ORDINIS TO DECURIONS: *CTh* xii. i. 127, 392, cf. 75, 371, and 109, 385, where the grade is not specified; TO PATRONI OF GUILDS: *CTh* xiv. iv. 9, 417, 10, 419.

13. THE CONSULATE: *CTh* vi. vi. 1, 382; for the patriciate see Zos. II. 40.

14. See pp. 142-4.

15. In *CJ* x. xxxii. 63, 471-4, Doctitius, though the son of an *illustris*, born during or after his father's illustrious office, is only *vir clarissimus*; cf. also n. 17 below. It is probable that illustrious rank was always conferred by *codicilli* of some office, active, titular or honorary. This is assumed by such laws as *CTh* vi. xxii. 7, 383, and 8, 425, and *CJ* xii. viii. 2, 441 on precedence, which could not have been graded otherwise. In Cass. *Var.* vi. 11, formula *illustratus vacantis*, the rank actually conferred in the text is the *comitiva domesticorum vacans*. By Cassiodorus's day the rank of *spectabilis*, which had ceased to carry a seat in the senate, was conferred without office, like that of *clarissimus* (Cass. *Var.* vii. 37, 38); but the earlier laws on precedence suggest that in the days when *spectabiles* were still senators and their precedence mattered, the rank was conferred by an active, titular or honorary office.

16. For the fiscal privileges of senators see ch. XIII, n. 133, for their judicial privileges ch. XIV, n. 47. Cf. also *CJ* xii. i. 15 (426-42), *clarissimis vel spectabilibus universis ad genitale solum vel quolibet alio et sine comiteatuproficiscendi et ubi voluerint commorandi habitandive permittimus facultatem*, *CTh* xii. i. 187, 436, where *spectabiles* of curial origin have to perform their civic duties in person, but *illustres* do so by proxy, *CJ* xii. ii. 1, 450, *nemo ex clarissimis et spectabilibus qui in provinciis degunt ad praeturam postea*

devocetur: maneat unusquisque domi suae tutus atque securus et sua dignitate laetetur. That by Justinian's day only *illustres* were senators is proved by the interpolation in *Dig.* i. ix. 12 §1, *senatores autem accipiendum esse eos qui a patriciis et consulibus usque ad omnes illustres descendunt; quia hi soli in senatu sententiam dicere possunt.* Certain laws in the Code have been emended to fit the new definition, e.g. *CJ* xii. i. 10 = *CTh* ix. xxxv. 3, *severam indagationem per tormenta quaerendi a clarissimo (CTh senatorio) nomine submovemus; since not only senators in Justinian's sense but all clarissimi were still immune from torture.* It appears from Cass. *Var.* vi. 16 that *notarii*, who were all *clarissimi* or *spectabiles*, did not enter the senate until they reached the *primiceriatus*, or more probably retired from it with the *illustratus vacans*. In *Var.* vi. 12, *comites primi ordinis*, who were *spectabiles*, entered the consistory but are not said to enter the senate. In *Var.* viii. 17, Opilio, son of a *CSL*, is presented to the senate on being appointed *CSL* himself in words which suggest that he is a new member (*quapropter, patres conscripti, favete vestris alumni et nostris favete iudiciis. secundo ad vestram curiam venit qui ex senatore natus est et aulicis dignitatibus probatur honoratus*). The only exception to the rule is the *vicarius urbis*, who though *spectabilis* was admitted to the senate (*Var.* vi. 15); Cassiodorus underlines the anomaly. Cf. *ILCV* 204, *sumpsisti illustrem sed iam grandaevus honorem, antiquo factus more senator eras.*

17. That sons of all grades ranked as *clarissimi* is proved by *CJ* xii. i. 11, 377, *senator vel alius clarissimus privatos habeat filios, editos quippe, antequam susciperet dignitatem: quod non solum circa masculos dignoscitur constitutum, verum etiam circa filias simili condicione servandum. cum autem paternos honores invidere filiis non oportet, a senatore vel solo clarissimo susceptum in clarissimus sciendum est dignitate mansurum.* In this law the words 'vel alius clarissimus' and 'vel solo clarissimo' are probably interpolations. HIERIUS'S FAMILY: Just. *Nov.* clix, 555.

18. CODICILS OF EQUESTRIAN RANK: *CTh* xii. i. 5, 317, *si vero decurio suffragio comparato perfectissimus vel ducenae vel centenae vel egregius meruerit dignitatem declinare suam curiam cupiens, codicillis amissis suae condicioni reddatur, vi. xxxviii. 1 (313-37), codicillis perfectissimus fruatur qui impetraverint, si abhorreant a condicione servili vel fisco aut curiae obnoxii non sint vel si pistores non fuerint.* CODICILS OF HONORARY EQUESTRIAN POSTS: *CTh* xi. i. 41, 353, *ex comitibus et ex praesidibus universi ceterique, qui sine administratione adumbratarum dignitatum codicillos honorarios meruerint, viii. v. 23, 365, qui in provinciis codicillis comitivae et praesidatus aut rationum epistulis honorariis nixi.* CODICILS OF COMITIVA: *CTh* vi. xxi. 1, 425, *CJ.* xii. xlix. 12 (491-518) (first class); *CTh* vi. xxvi. 17, 416 (second class); xiv. iv. 9, 417, 10, 419 (third class); xii. i. 41, 353 (*ex comitibus*), vii. xxiii. 1, 369 (*ex comite*); viii. v. 23, 365 (*comitivae*). For the tendency of the *comitiva* and equestrian rank to become hereditary see *CTh* xii. i. 14 (326-54).

19. SENATORIAL RANK HEREDITARY: *CTh* vi. ii. 13, 383, *si quis, senatorium consecutus nostra largitate fastigium vel generis felicitate sortitus, Symm. Rel. 45, devotione et more commonitus magistratuum nomina, quibus varias functiones designationum tempore amplissimus ordo mandavit, ad aeternitatis vestrae perfero notionem, ut muneribus exhibendis aut subeundis fascibus destinatos cognitio imperialis accipiat. his copulati sunt, quos senatui vestro recens ortus adjecit.* In *Or.* viii also Symmachus speaks of Valerius Fortunatus as a senator before he had held the quaestorship (*adque ita noster hic*

quaestorius candidatus non magis ut senator obtinuit quam ut pauper evasit) and indeed from infancy (primis aevi sui annis senator esse desierat). But the classification of *illustres*, *spectabiles*, *senatores* and *clarissimi* in *CTb* xvi. v. 52, 412, shows that there were *clarissimi* who were not members of the senate, and these could only be sons of senators not yet enrolled. The rule limiting senatorial status to sons born after their fathers' promotion is first enunciated in *CTb* xii. i. 58, 364, and elaborated in law 74, 371. It is reaffirmed in general terms (not only for senators of curial origin) in *CJ* xii. i. 11 of 377 (cited in n. 16). The old rule that all sons of a senator inherited his rank seems to have been inadvertently preserved in *Dig.* l. 1. 22 §5, *senatores et eorum filii filiaeque*, quoquo tempore nati nataeque, itemque nepotes pronepotes ex filio, originis eximuntur, licet municipalem retinent dignitatem, cf. *Dig.* i. ix. 5, *senatoris filium accipere debemus non tantum eum qui naturalis est, verum adoptivum quoque; neque intererit a quo vel qualiter adoptatus fuerit, nec interest, iam in senatoria dignitate constitutus eum susceperit an ante dignitatem senatoriam*. It is implied in *Symm. Or.* viii that entry to the senate was conditional on the quaestorship; Fortunatus's mother renounced his rank because she feared the expenses of the *quaestura* and Fortunatus himself, having recovered his hereditary rank (*integrato natalium splendore*), is promptly *quaestorius candidatus*.

20. *Lib. Or.* xlii. 6, *χρηται δὴ τῷ περὶ ταῦτα νόμῳ Θαλάσσιος, καθ' ὃν γράμματα τῆς αἰῆς δεξιᾶς λαβὼν ταῦτ' εἰς τὴν βουλὴν εἰσέπεμψε τῶν παρ' ἐκείνης τευξόμενα*, cf. *Ep.* 86, *ὅν ἄρα διὰ σπουδῆς μόνον πληροῖς τὸ βουλευτήριον βουλευτῶν, ἀλλ' ἥδη καὶ εὐδοντι κύρτος. Κέλσος γὰρ ὁ τῶν μὲν παρ' ἡμῶν ἄριστος, τῶν δὲ ἐκεῖ μετὰ σέ τοῦτο ἀκοῦσαι πρέπων, αὐτόματος ἐπ' ἀγαθῶν συνέδριον ἄγαθος . . . ἔφθῃ δὲ αὐτὸν ἢ περὶ αὐτοῦ δέλτος, ἐφ' ᾗ τὰ εἰωθότα πράξεις παρατηρῶν ὅπως μέτριον ἔσται τὸ ἀνάλωμα*. CODICILLI CLARISSIMATUS AND ALLEGATIO: *CTb* xii. i. 42, 354, *si quis autem clarissimae meruerit infulas dignitatis nec indulti muneris gratiam codicillorum allegatione percepit*, xii. i. 180, 416, *licet augeri coetum amplissimum cupiamus, cuius consortio gratulamur, tamen, si quis functionibus involutus et nexibus municipalis ordinis innodatus codicillos clarissimatus potuerit impetrare, nec suscipiendos eos tua sublimitas nec penitus allegandos esse cognoscat*. Cf. 183, 418, *elicitis codicillis clarissimatus*, and 74 §5, 371, *ceterum suae potestatis et nullis per provincias functionibus obligati, si vel longae militiae labore vel proximis erga nos . . . iuvantibus codicillos senatorios reportaverint, nisi vitiis aut actae vitae obprobriis amplissimo ordine deprehendantur indigni, indepti semel clarissimatus dignitatem perpetuo manebunt in ordine senatorum*. IURATORES AND LAUDATORES: *Symm. Or.* vii, *Lib. Or.* xlii. 45-6.

21. SPEECHES: *Symm. Or.* vi, vii, viii (*Or.* v concerns an election to the praetorship, and not apparently an admission to the senate). ELECTIONS: *Symm. Ep.* vii. 96 (to Longinianus), *dignumque esse praedico qui nostro ordini copuletur; sed adicienda est ei praerogativa militiae ut beneficio allectionis utatur*. his quippe tantum munia relaxari divalia statuta voluerunt quos honor castrensis illuminat, iii. 38 (to Hilarius), *inter haec tamen mala valetudinis meae amicis negotium dedi ut pignus commune consultu patrum viris consularibus iungeretur*. habita est ratio meritorum tuorum: nihil enim gratiae meae dico delatum. acta amplissimi ordinis Datiano honesto viro tradidi, quae ubi in manus tuas venerint amicitiae me satisfecisse pronuntiatio, ix. 118, *hospitem tuum Faustinum senatus amplissimus in societatem recepit. tanta apud nos testimonii tui antiquitas fuit ut differri quae velis instar iniuriae sit. tibi igitur acceptum ferat studium totius ordinis; nam ut*

beneficio sacro debet dignitatis impetrationem, ita tuo decreti nostri celeritatem. REJECTIONS: Lib. Or. XLII. 6 ff. *CTb* XII. i. 74 (cited in n. 20) also envisages rejection by the *amplissimus ordo* on the score of *vitia*.

22. CONSULARES: *CTb* VI. ii. 13, 383, quique consularitatis insignia fuerit adsecutus, dignitatis obeundae atque exercendae administrationis huius copiam non habeat, nisi propria adnotatione digesserit se senatorium nomen agnoscere et larem habitationemque vel sedes certas in provincia atque oppido conlocasse nihilque amplius quam certum professionis modum varias intra provincias possidere. VICARS: *CTb* VI. iv. 15, 359, meministis profecto, patres conscripti, nec ullius temporis avellet oblitio, quod Facundus ex proconsule et Arsenius ex vicariis praetorum insignibus splenduerunt, nec quisquam horum putavit esse praeturam intra propriam dignitatem. quid autem illustrius his repperitur exemplis? debuerat profecto res ista, debuerat alios etiam commonere proconsulari ac vicariae praefecturae praeditos potestate non esse praeturam minorem propriis meritis. DUCES: Amm. Marc. XXI. xvi. 2, nec sub eo dux quisquam cum clarissimatu proventus est; erant enim, ut nos quoque meminimus, perfectissimi.

23. Cass. *Var.* VI. 14, formula de referendis in senatu, cf. IV. 3-4, V. 3-4, 40-1, VIII. 9-10, 16-17, 18-19; in VIII. 13-14, it is said of Ambrosius, who had already been *CRP* and is now appointed quaestor, 'de illo enim non debet dubitari qui a vestro ordine in prima dignitate meruit approbari'; similarly in VIII. 21-2, of Cyprian, former *CSL*, now promoted to the patriciate, 'securus ad vos redit qui iam honores in libertatis aula reposuit'. Cf. also I. 41, III. 33, IV. 25, where the *PU* is requested to carry out 'quae circa referendos curiae priscus ordo designavit' for candidates who have apparently not held illustrious offices, and IV. 29, where he is reproved for delaying the admission of a candidate. In the East also Anastasius implies that a retired *praepositus sacri cubiculi* might not be elected to the senate (*CJ* XII. v. 5, iubemus duobus viris illustribus praepositis utriusque sacri cubiculi tam nostrae pietatis quam nostrae serenissimae coniugis, post finitam militiam si senatorio fuerint consortio sociati, licere, etc.).

24. QUAESTORS: *CTb* VI. iv. 1, 329 (S), XII. i. 58, 364, VI. iv. 27, 395, Symm. *Ep.* v. 62, VII. 76, IX. 145, *ILS* 1223-6, 1229-30, 1238, 1243, 1259, 1262, 1264, 1268-9, 1283 (Anicius Glabrio Faustus, cos. 438), 1285 (Rufius Praetextatus Postumianus, cos. 448). AEDILES: Auson. *de feriis Rom.* 31. TRIBUNES OF THE PLEBS: *CTb* XII. i. 74 §3, 371, his verae dignitatis titulis et iudicibus adiungendis, qui proprium decus senatorum indepti praeturae insignibus fuerint et honoribus ampliati, vel quos veteris tribunorum plebis appellatione respersos umbra nominis nobis annuentibus constiterit populo praefuisse. PRAETORS: *CTb* VI. iv, passim, *CJ* I. xxxix. 2 + XII. ii. 1, 450, Joh. Lydus, *Mag.* II. 30, *περὶ τοῦ Κωνσταντιανοῦ καὶ Ἰουστινιανοῦ παλτορος*, Boethius, *Consol.* III. 4, atqui praetura, magna olim potestas, nunc inane nomen est et senatorii census gravis sarcina. SUFFECT CONSULS: *CTb* VI. iv. 1 (cited in n. 27), *ILS* 1230, 1243, consuli, praetori, quaestori (neither man was *consul ordinarius*), Symm. *Ep.* VI. 40, illud ante omnia interpretatio tristis horrescit, quod natali urbis suffectum consulem currus quo vehabatur evolvit per ferociam bigarum quae triumphum vehabant.

25. Ausonius (*Gratiarum Actio*, 16) classifies consuls as 'viros gloriae militaris', 'viros nobilitatis antiquae' and 'viros fide inclitos et officiis probatos'. For Eastern and Western consuls see Mommsen, *Ges. Schr.* VI. 363-87, and *JRS* LII (1962), 126.

26. HONORARY CONSULATE: *CJ* XII. iii. 3 §1 (474-6), cf. 2, 452, for the 100 lb. gold paid by ordinary consuls. Law 4 allows honorary consuls to hold the ordinary consulate and thereby to gain precedence as if they had held it on becoming honorary consuls; this implies that honorary consuls ranked below ordinary. From Greg. *Ep.* II. 36 we learn that 'filius meus dominus Venantius nepos quondam Opilii patricii . . . chartas exconsulatus petiit, pro quibus triginta auri libras transmisit ut ei debeant comparari'. Gregory instructs his *apocrisarius* in Constantinople to see to it 'quatenus oblati in sacella consuetudinibus honores mereatur accipere'. The 30 lb. gold are evidently a *suffragium*, additional to the statutory fee of 100 lb. gold.

27. *CTh* VI. iv. 1, 329 (S), *religiosis vocibus senatus amplissimi persuasi decernimus, ut quaestores ea praerogativa utantur, qua consules et praetores, ita ut, si quis intra annum sextum decimum nominatus fuerit absens, cum editio muneris celebratur, condemnationis frumentariae nexibus minime teneatur, quoniam memoratae aetati placet hoc privilegium suffragari.*

28. PRECEDENCE OF EX-CONSULS: *CTh* VI. vi. 1, 382, *CJ* XII. iii. 1, 426, Val. III, *Nov.* xi. 443: the last law refers to Gratian's law as the last enactment on the subject, and the second law must therefore be Eastern, not as Seeck (*Reg.* 137) suggested Western: *ad senatum urbis Constantinopolitanae* is paralleled by Th. II, *Nov.* xv. 1. Justinian (*Nov.* lxii §2, 537) altered senatorial precedence, giving priority to patricians over consulars. Only six patricians are known from the fourth century (see W. Ensslin, *Mélanges Bidez* I. 361, A. Piganiol, *Empire Chrétien*, 314-15), viz. Julius Constantius (*Ath. Apol. c. Ar.* 76), Optatus (*Zos.* II. 40, *P. Lond.* 1913), Taurus (*AE* 1934, 159), Datianus (*CTh* XI. i. 1, Philostorgius, VIII. 8), Petronius (*Amm.* xxvi. vi. 7, *CTh* VII. xxii. 7) and perhaps Salutius Secundus (*Chron. Pasch.* 555). In the first half of the fifth century they became commoner both in the West, where besides the *magistri militum* (see ch. XI, n. 50) several praetorian prefects, such as Dardanus (*ILS* 1279), Maximus (Val. III, *Nov.* xix), Albinus (Val. III, *Nov.* xxi-xxiii) and Firminus (Val. III, *Nov.* xxxi), received the honour, and in the East, where we know of two praetorian prefects, Anthemius (*CTh* IX. xxxiv. 10, XII. xii. 14) and Aurelian (*CTh* VII. vii. 4), and one master of the offices, Helio (*CTh* VI. xxvii. 20, VIII. viii. 14). At the council of Chalcedon (*A. C. Oec.* II. i. 334) six patricians attended, perhaps all there were at the time, Anatolius (*mag. mil. and cos.*), Florentius (*Ppo* and *cos.*), Nomus (*mag. off. and cos.*), Senator (*cos.*), Protogenes (*Ppo* and *cos.*) and Augarus (*Ppo*). ZENO'S LAW: *CJ* XII. iii. 3; from Just. *Nov.* lxii §2, 537, si qui autem illustri dignitate decorati sunt, liceat eis patricius codicillos accipere, etsi non consulares vel praefectorii existant, quod constitutio divae memoriae Zenonis irrita postulabat, it appears that 'aut magistri militum aut magistri officiorum' have been interpolated in the Code version of Zeno's law.

29. *CTh* VI. xiii. 1 + xiv. 3 + xv. 1 + xvi. 1 + xvii. 1 + xx. 1, 413.

30. *CTh* VI. xxii. 7, 383, cf. 5 and 6, 381.

31. *CJ* XII. viii. 2, 441; codicils *inter agentes* are first mentioned in *CTh* VI. xxii. 8, 425.

32. For *extraordinaria* and *sordida munera* see ch. XIII, n. 133; for jurisdictional privileges see ch. XIV, n. 47.

33. See pp. 741-3.

34. In *CTh* VI. xx. 1, 413, technicians rewarded by the *comitiva primi ordinis* (carrying the *consularitas*) may refuse the honour 'ne conlationis onus sustineant

vel frequentare senatum aliosque huiuscemodi conventus qui honoratorum frequentiam flagitant compellantur'. For provincial assemblies see *CTb* XII. XII. 12 §1, 392, ad provinciale concilium in una frequentiore totius provinciae urbe cunctos volumus convenire, qui primatum honorantur insignibus, exceptis praefectoriis, cf. XIII. 1, 392 (very eminent persons may send representatives if they do not wish to attend personally); *honorati* (and *curiales*) who failed to attend the diocesan council of the Seven Provinces at Arles were fined 3 lb. gold (*MGH (Ep.)* III. 13-15). COMMEATUS: *CJ* XII. I. 15 (cited in n. 16), 18, iubemus salvo honore, qui per evocationem sacrae revocatoriae defertur, durante licere cunctis tam maiores quam minores potestates gerentibus nec non etiam honorariis illustribus sive ex hac urbe regia, principali videlicet praecedente consensu, profecti fuerint, sive in provinciis habitantes sacratissimum, suis scilicet poscentibus negotiis, petere maluerint comitatum, sine sacra quoque revocatoria ad hanc regiam urbem pervenire, Cass. *Var.* VII. 36, formula commeatilis (for absence from Rome).

35. SUSCEPTOR VESTIUM: *CTb* XII. VI. 4, 365. PROCURATIO CURSUS: *CTb* VIII. V. 23, 365. OTHER TASKS: *CTb* I. X. 8, 428, XXIX. 4, 368, XIII. V. 22, 393, *CJ* X. XXX. 3, 442, Val. III, *Nov.* XV §5, 444. That such tasks were unpopular is shown by laws which forbid their imposition on favoured classes such as senators (*CJ* XII. I. 14, 426), notaries (*CTb* VI. X. 1, 380, *CJ* XII. VII. 2, 474) and advocates (Th. II, *Nov.* X. 1 §4, 439). Cf. also Lib. *Ep.* 1482, 1484, asking release for Apellion, who has been ordered by an imperial letter to act as *censor* in Thrace, *Or.* XLVI. 4, where Florentius penalises an advocate by sending him off *περί μέτρα γῆς*, and Basil, *Ep.* 281, asking Modestus, the praetorian prefect, to release Helladius (described as *πρωτεύων*) *τῆς ἐπὶ τῇ ἐξισώσει προντίδος*. In another letter (*Ep.* 299) Basil suggests the motives which might induce a man to seek the office of *censor*, the opportunity to benefit his friends and harm his enemies, and financial gain. The offices were paid (*CTb* XIII. XI. 8, 396).

36. For these financial charges see pp. 430-1.

37. *CTb* VI. IV. 1 (cited in n. 27). From Symm. *Rel.* 8, nullo enim dissente decreto est quis modus censuum semel aut saepius fungendis <muneribus obnoxius sit>, and Symm. *Or.* VIII, nam certe potuerat convenientem censibus suis, ut nunc facimus, petere quaesturam. sed hoc quoque ut gravissimum timuit, quo minus nihil est, Seeck inferred that poor senators could perform once only (*semel* as opposed to *saepius* for the quaestorship and praetorship and perhaps suffect consulate), and that the one performance would be the quaestorship. PRAETORIAN GAMES AT CONSTANTINOPLE: *CTb* VI. IV. 5, 340, etc. SYMMACHUS AND PETRONIUS: Olymp. 44.

38. Symm. *Rel.* 8.

39. Symm. *Ep.* IV. 8, ceterum quid praerogativae habeat non video, cum etiam censuales absentium munera illic solent exhibere, quorum mediocritatem volumus aemulari; cf. *Rel.* 23 §2, cum pro diligentia quae debet omnibus inesse iudicibus argenti publici ratio quaereretur quod censualium editores munerum contulerunt, inter ceteras fraudes repertum est quosdam functionibus absolutos sumptum debitum rei publicae non dedisse et ut fallacia ista tegetur ex alieno argento tantundem censualibus falsis titulis imputatum quantum conferre debuerant. AEDESIUS: Symm. *Ep.* IX. 126. SHARING OF EXPENSES: *CTb* VI. IV. 21 §6, 372.

40. *CTb* VI. IV. 1, 329 (S), 4, 7, 354 (S), 18, 365.



41. *CTb* VI. iv. 5, 340, 13, 361, 25, 384 (cf. 20, 372, for four praetors), 29, 396, 30, 396, 33, 398.

42. *CTb* XV. ix. 1, 384, *CJ* XII. iii. 2, 452, Just. *Nov.* cv, 536, Proc. *HA* xxvi. 12-15. Justinian in 521 spent 4000 lb. gold (*Chron. Min.* II. 101-2), but this caused a sensation.

43. TEN YEARS: *CTb* VI. iv. 13 §2, 361, in potestate censualem denominationem non sit, sed ante decennium legitimo senatus consulto praetores designati editionem praeturasque ipsas senatus arbitrio sortiantur; 21 pr., 372, 22, 373, Symm. *Or.* v. 4. LATER RULE: *CTb* VI. iv. 34, 408.

44. ROME: I cannot accept Seeck's theory (*Hermes* XIX (1884), 186 ff.), based on a fanciful restoration of *ILS* 1222, that Constantine restored the elections to the senate in 336. There is no evidence that the senate ever lost the right of electing the lesser magistrates, and the use of the term *nominatus* of quaestors, praetors and (suffect) consuls in *CTb* VI. iv. 1, 329 (S), suggests that all these magistrates were elected in 329 (cf. VI. iv. 8, 356, for the use of *nominatio*). CONSTANTINOPLE: *CTb* VI. iv. 8 + 9 + 10, 356, 14 + 15, 359, 12 + 13, 361.

45. *CTb* VI. iv. 15, 359.

46. CONSTANTINOPLE: *CTb* VI. iv. 22 pr. §1, 2, 373, ante X annos cuiuslibet editionis praetorem nominari et intra quinque menses designatum iussimus commoneri, ut aut editurus praestet adsensum aut, si praeferet contrariam voluntatem, futuri examinis iudicium non moretur. nam intra septem menses adcelerandae cognitionis terminus constitutus dilationis licentiam imperio fundatae definitionis excludit; cf. law 34, from which it appears that these rules were enacted by Valens. ROME: *CTb* VI. iv. 21 pr., 372, fingamus enim posse fieri, ut designati primo et secundo vel tertio anno subterfugere inquisitionem sollicitudinem possint; certe septem reliquis haut dubie poterunt reperiri. ROUND UP OF SENATORS: *CTb* VI. iv. 4, 354 (S), 7, 354 (S), Symm. *Ep.* IX. 126, cf. 134.

47. *CTb* VI. iv. 26, 393, nominandorum praetorum sollicitudinem inlustrius magnificentia tua ad officium censuale sciat esse revocandam. Nomination by the *censuales* had been denounced as an abuse in 361 (*CTb* VI. iv. 13 §2).

48. That *adlectio* meant exemption from the games is proved by *CTb* VI. iv. 10, 356, et quicumque forsitan impetraverit pretio functorum coetibus adgregari, indulta ei cessent; allectionis quaerendus est honor; that the *consularitas* meant the same thing is shown by Symm. *Rel.* 5, dignum est igitur aeternitate numinis vestri Celsum genere eruditione voluntate laudabilem adiudicare nobilibus pignore dignitatis, cum praerogativa scilicet consulari, ne sumptum eius magis quam magisterium quaesisse videamur, non sine avaritiae nota, si ab eo munia publica postulamus qui spondet gratuita praecepta; cf. Symm. *Ep.* VII. 96 (cited in n. 21) which links *adlectio* with the *consularitas*; incidentally this letter and III. 38 (also cited in n. 21) show that *adlecti* had to be elected by the senate like other candidates for admission. EXEMPTION BY CODICILLI: *CTb* VI. iv. 23, 373, ab illis editionis peti ordinem non debere iustitia pariter et consuetudo declarat, qui consulares ac praetorios codicillos suo excellenti merito ac nostro sunt beneficio consecuti, cf. VI. iv. 10, 356, secernimus enim ab his, patres conscripti, quibus meriti suffragatio conciliat nostra beneficia et quicumque cessante suffragio inlustribus meritis praetorii vel aliam meruerit dignitatem, praesidio muneris nostri perpetuo perfruatur. ADLECTIO FOR RETIRED PALATINI: *CTb* VI. xxiii. 1, 415 (*decuriones* or *silentiarii*), xxiv. 7, 414, 8, 9, 416, 10, 427,

xxv. 1, 416 (*protectores* and *domestici*), xxvi. 7, 8, 396 (*sacra scrinia*), xxvii. 5, 386 (*agentes in rebus*), xxx. 19, 408, 24, 425 (*palatini*). All these except the *decuriones* are *inter consulares*, and it would seem that those admitted to higher grades of the senatorial order were normally ineligible for *adlectio*: in *CTh* vi. xxvii. 22, 428, *principes* of the *agentes in rebus* lost their immunity when raised from *consulares* to *ex vicariis*, and in vi. xxvi. 13, 407, immunity from the praetorship is specially granted to the *proximi* of the *scrinia*, who were *ex vicariis*; so too for *silentiarii* in vi. xxiii. 4, 437. It is declared by Symmachus (*Ep.* vii. 96, cited in n. 21) that *adlectio* was a privilege reserved to palatine civil servants. No such law is extant, but exemption from the praetorship is given to all *ex-palatini* who enter the senate in *CTh* vi. ii. 19, 397, and this law or the earlier law to which it alludes may have confined the privilege to them. In *CTh* vi. xxxv. 7, 367, *adlectio* is granted to *comites* and *tribuni*: the first part of the law, which gives some privilege to retired *palatini*, evidently does not refer to *adlectio* since some of the recipients are only *perfectissimi*; the privilege is perhaps that of *prosecutoriae*. EXEMPTION OF DUCES: *CTh* vi. iv. 28, 396 (cf. xxvi. 13); of curial senators, Th. II, *Nov.* xv. 1, 439.

49. Theod. *Ep.* (Azema) 33 (Euthalius), 52 (Theocles). *SPP* xx. 127 alludes to one Flavius Alypius, τῷ λαμπροτάτῳ ἀπὸ πραιτορος γενοχούντι, in A.D. 463; the praetorship must have imposed, before Marcian's law, on this obscure Egyptian landowner, a mere *clarissimus*.

50. CONSTANTINOPLE: *CJ* I. xxxix. 2 + XII. ii. 1, 450, XII. xvi. 5 §3 (497-9), *liberos insuper eorum*, qui dignitate virorum spectabilium comitum seu tribunorum decorati sunt vel fuerint, nullatenus nolentes administrationem praeturae suscipere seu peragere; the silence of Justinian on praetorian games suggests that they had lapsed. ROME: Boethius, *Consol.* III. 4 (cited in n. 24).

51. Lib. *Ep.* 731.

52. For honorific titles see P. Koch, *die Byzantinischen Beamtentitel von 400 bis 700* (pp. 45-58 for *magnificentissimi*, pp. 58-73 for *gloriosissimi*). ORDO SALUTATIONIS: *FIR* I<sup>2</sup>. 64. LAW OF VALENTINIAN II: *CTh* vi. xxiv. 4, 387.

53. Lib. *Or.* xxvii. 42, xxviii. 22, *CTh* xii. i. 127, 392, xiv. iv. 10, 419, Th. II, *Nov.* xv. 1 §1, 439.

54. Lib. *Or.* LI. 4 ff., 33, LII. 4 ff., 46, *CTh* I. xvi. 13, 377, xx. 1, 408.

55. *CTh* xii. i. 150, 395, Th. II, *Nov.* xv. 1 §§1, 2, 439.

56. Salv. *Gub. Dei*, vii. 92, illud gravius ac magis intolerabile, quod hoc faciunt et privati, isdem ante honoribus functi. tantum eis indeptus semel honor dat beneficii ut semper habeant ius latrocinandi.

57. Jer. *Ep.* 108 §§1-4 (Gracchi, Scipios, Iulii), cf. 77 §2 (Fabii), Rut. Nam. *de red. suo*, I. 271-2 (Valerius Publicola); the fifth century Gallic senators Polemius and Leo more modestly claimed descent from the historian Tacitus and from Fronto (Sid. *Ap. Ep.* IV. 14, VIII. 3).

58. SENATORS TRANSFERRED FROM ROME TO CONSTANTINOPLE: *CTh* vi. iv. 11, 357, si quos in urbe Roma perfunctos esse claruerit magistratibus, ad nulla editionum genera devocentur. urbis autem Romae curiam callide declinantes clarissimo praeditos nomine per Achaiam, Macedoniam totumque Illyricum iussimus quaeri raro vel numquam sedem dignitatis propriae frequentantes, quibus locorum grata confinia possint esse iucunda, ut carens mora longinquae

peregrinationis debeat dignitas concupisci. We know of one senator thus transferred, Olympius, from Lib. *Ep.* 70, 251-2, 265. LIBANIUS ON THE SENATE OF CONSTANTINOPLE: Lib. *Or.* XLII. 22, and for individual senators, 23-6.

59. See pp. 740 ff.

60. *CJ* x. xxxii. 64 (475-84), 66 (497-9), Just. *Nov.* lxx. 538. We know of two actual cases in the reign of Leo, the father of Dorotheus and Irenaeus and the father of Hesychius (*CJ* x. xxxii. 61, 63).

61. *Curiales* who have obtained honorary offices are expelled from the senate by *CTh* XII. i. 74, 371, and 73, 373, they are forbidden to obtain *codicilli clarissimatus* in XII. i. 180, 416, 183, 418, and are denied titular or honorary illustrious posts in Th. II, *Nov.* xv. 2, 444. They nonetheless obtain them in Just. *Nov.* lxx, 538.

62. NOTARII: *CTh* VI. x. 2, 381, 3, 381. PROXIMI: *CTh* VI. xxvi. 2, 381, 4, 386. OTHER CLERKS OF THE SACRA SCRINIA: *CTh* VI. xxvi. 16, 410 (S). PRINCIPES OF AGENTES IN REBUS: *CTh* VI. xxvii. 5, 386, 21, 426. SILENTIARII: *CTh* VI. xxiii. 1, 415, 4, 437. DOMESTICI AND PROTECTORES: *CTh* VI. xxiv. 7, 414, 8, 416, 9, 416. PALATINI: *CTh* VI. xxx. 19, 408, 24, 425, cf. VI. ii. 26, 428. PRAEFECTIANI: *CJ* XII. xlix. 12, 491-518, cf. Joh. Lydus, *Mag.* III. 30, where John on his retirement is addressed as *λαμπρότατος*.

63. See pp. 571-85.

64. See pp. 513-4.

65. ARCHIATRI: *CTh* XIII. iii. 2, 326, 12, 379, 15, 393, VI. xvi. i, 413, XIII. iii. 19, 428. PROFESSORS OF CONSTANTINOPLE: *CTh* VI. xxi. 1, 425. LIBANIUS: Julian, *Ep.* 27, Eun. *V. Soph.* XVI. 2, cf. Lib. *Or.* I. 125, II. 8; the rhetor Prohaeresius was given the rank of praetorian prefect by Constantius II (Eun. *V. Soph.* x. 7), and Evagrius was given codicils of the quaestorship and the praetorian prefecture in recognition of his literary works (*Evagr.* VI. 24). CELSUS: Symm. *Rel.* 5. CLAUDIAN: *ILS* 2949. PROFESSORS OF LAW: *CJ Const.* Haec §1, *Const.* Summa §2, *Dig. Const.* Tanta (= *CJ* I. xvii. 2) §9, *Inst. Const.* Imperatoriam §3. Architects also often achieved senatorial rank, see Symm. *Ep.* v. 76, *Rel.* 25, Cyriades, v.c. comes et mechanicus, *IGR* III. 887 (Auxentius, cf. Symm. *Rel.* 25), *IGLS* 348, 'Ἰσιδώρου τοῦ μεγαλοπρῶ ἰλλουστρίου καὶ μηχανικοῦ. AUGUSTINE: Aug. *Conf.* VI. 9.

66. See pp. 641-3.

67. PAEONIUS: Sid. *Ap. Ep.* I. 11 §§5-7. Sidonius himself boasted that his family had held illustrious offices for four generations and claimed a seat in the senate as his hereditary right; Sid. *Ap. Ep.* I. 3, i nunc et legibus me ambitus interrogatum senatu move, cur adipiscendae dignitati hereditariae curis pervigiliis incumbam; cui pater, socer, avus, proavus praefecturis urbanis praetorianisque, magistris palatinis militaribusque micuerunt.

68. THE SONS OF TAURUS: Syn. *de Prov.* proem. TAURUS, SON OF AURELIAN: Syn. *Ep.* 31. For Philip's family see J. Keil, *Anz. Ak. Wien*, 1942, pp. 185 ff.; add to his evidence Joh. Lydus, *Mag.* III. 50 (Anthemius, son of the emperor), and Proc. *HA* xii. 1-4 (Zeno, grandson of the emperor, a very wealthy man, appointed Augustal prefect under Justinian). Evagrius (III. 28) mentions one Mammianus of Antioch who in Zeno's reign rose from a workman to a senator (ἐξ ἐπιδηφρῶν ἐπίσημον ἄνδρα γενέσθαι καὶ τῆς συγκλήτου βουλῆς μετασχεῖν) and endowed his native city with many fine buildings. He later

(v. 18) records one Anatolius of Antioch, who likewise rose from a workman to offices and wealth under Tiberius Constantine.

69. STILICHO AND SERENA: Zos. IV. 57. ARCADIUS AND BAUTO'S DAUGHTER: Philostorgius, XI. 6. THE FAMILY OF AREOBINDUS: Theophanes, A.M. 5997, cf. *V. Dan.* 80, for Dagalaifus under Zeno, and Nicephorus, p. 103 (Teubner) for the marriage of Areobindus and Anicia Juliana. HORMISDAS: Zos. II. 27, Amm. XVI. x. 16, XXIV. i. 2, ii. 4, v. 4; his son Hormisdas, XXVI. viii. 12. PUSAEUS: Amm. XXIV. i. 9.

70. The eunuch Eutherius settled at Rome when he retired (Amm. XVI. vii. 7); this was considered unusual for a eunuch, but it is implied that for other parvenus it was a common practice. ROMAN JEALOUSY OF MILAN: Symm. *Ep.* VI. 52.

71. FORI PRAESCRIPTIO: *CTb* IX. i. 1, 316, cf. *CTb* IX. i. 13 + *CJ* III. xxiv. 2, 376. GAMES: *CTb* VI. iv. 2, 327. CLARISSIMI IN ILLYRICUM: *CTb* VI. iv. 11, 357. AURUM OBLATICIUM: *CTb* VI. ii. 16, 395.

72. ILLUSTRES IN AFRICA: *CTb* XVI. v. 52, 412, cf. 54, 414. For Sidonius's visits to Rome see C. E. Stevens, *Sidonius Apollinaris*, pp. 29, 95.

73. CURIAL DUTIES: *CTb* XII. i. 187, 436. LEAVE OF ABSENCE: *CJ* XII. i. 15 (426-42). THE PRAETORSHIP: *CJ* I. xxxix. 2 + XII. ii. 1, 450. PROVINCIAL ILLUSTRES IN THE EAST: *CJ* III. xxiv. 3, 485-6, XII. i. 18 (cited in n. 34).

74. ROME: Olymp. 44, *V. Mel.* 15. CONSTANTINOPLE: Joh. Lydus, *Mag.* III. 48 (for Vibianus's praetorian prefecture see *CJ* I. iii. 26, II. vii. 11).

75. See above nn. 37, 42.

76. *CTb* VI. ii. 15, 393, quod ad eorum querimonias, qui se glebalia non posse ferre onera testabantur, amplissimorum virorum consilio definitum est, scilicet ut septenos quotannis solidos pro sua portione conferret, qui praebitionem implere follium non valeret, eatenus . . . confirmamus, ut omnes, quibus est census angustia, contemplatis patrimonii sui viribus liberam habeant optionem, quatenus, si conlatio ista non displicet, a consortio amplissimi ordinis non retendant. sin vero grave, id est damnosum videtur, dignitatem senatoriam non requirant. For Libanius's assistants see Lib. *Or.* XXXI. 11.

77. ARMY OFFICERS: Lib. *Or.* XLVII. 28. TECHNICIANS: *CTb* VI. xx. i, 413. PALATINE CIVIL SERVANTS: *CTb* VI. ii. 26, 428, cf. xxx. 19, 408, and 24, 425.

78. MELANIA: *V. Mel.* 11-2, cf. 18-21, 37. THEOCLES: Theod. *Ep.* (Azema) 52. DEFENSORES SENATUS: *CTb* I. xxviii. 1, 361, 2, 364, 3, 376, 4, 393, VI. iii. 2, 3, 396; the institution appears to have been confined to the Eastern parts.

79. TRADE: *CJ* IV. lxiii. 3 (408-9), nobiliores natalibus et honorum luce conspicuos et patrimonio ditiores perniciosum urbibus mercimonium exercere prohibemus, ut inter plebium et negotiatorem facilius sit emendi vendendique commercium. PROBUS: Amm. XXVII. xi. THE ANICII ETC.: Amm. XVI. viii. 13.

80. See pp. 381-3.

81. POSTUMIANUS: *ILS* 1285. FAUSTUS: *ILS* 1283; his first praetorian prefecture was in 438 (*CTb Gesta senatus*, Val. III, Nov. i. 1), his second in 442 (Val. III, Nov. ii. 2). PETRONIUS: *ILS* 807-9, Sid. *Ap. Ep.* I. 13 §3.

82. ALBINUS: *ILS* 1238.

83. SENATOR: *A.C.Oec.* II. i. 334, Priscus, 4, Theod. *Ep.* (PG) 44, 93. OTIUM: Th. II, *Nov.* xv. 1, 439, nam etsi otio frui vos quodam tempore patiamur, ne labore videamini fatigari continuo, non tamen ideo cura vos deserit optime regendae rei publicae. According to Sidonius (*Ep.* II. 13 §4) Petronius when he became emperor 'perspexit pariter ire non posse negotium principis et otium senatoris'.

84. Amm. XIV. vi, xxviii. iv.

85. For Melania's clothes and plate see *V. Mel.* 19. For Symmachus's villas see Seeck in *MGH (AA)* VI, p. xlv, xlv. SLAVES: Joh. Chrys. *Hom. in Matth.* lxiii (PG LVIII. 608). See also *V. Olymp.* 5, for Olympias' three houses at Constantinople and her fifty *cubiculariae*.

86. PINIANUS'S TOWN HOUSE: *V. Mel.* 14. The villa near Enna is described in G. V. Gentili, *The Imperial Villa of Piazza Armerina*. There is no solid foundation for the author's view that the villa was imperial: that it belonged to the Symmachi is suggested by the *subscriptio* of a text of Livy, 'Nicomachus Flavianus v.c. III praefect. urbis emendavi apud Hennam' (see H. Bloch in *Paganism and Christianity in the fourth century* (ed. A. Momigliano), p. 215).

87. Symm. *Ep.* IV. 8 (Stilicho), IV. 58-60, 62-3, V. 56, 82-3, VII. 82, IX. 12, 18-21, 23-4 (Spanish horses), IV. 7, VII. 48, 105-6, IX. 22, 25 (*evectioes*), II. 76, V. 59, VII. 122, IX. 15, 16, 144 (African beasts and hunters), VII. 121, IX. 132, 135, 137, 142 (Dalmatian bears), VI. 43, IX. 141, 151 (crocodiles), II. 77 (Scottici canes), IV. 12, VII. 59 (leopards), VI. 33, 42 (actors and charioteers), IV. 46 (gladiators).

88. For the scholarly activities of great Roman nobles see H. Bloch, *op. cit.*, pp. 213-17. Sidonius Apollinaris in his latter years came to regard literary studies as the only surviving hallmark of nobility, now that official rank had gone; *Ep.* VIII. 2, nam iam remotis gradibus dignitatum, per quas solebat ultimo a quoque summus quisque discerni, solum erit posthac nobilitatis indicium literas nosse.

## XVI. THE CIVIL SERVICE (p. 564)

For the offices of the *sacrum cubiculum* and for those under the disposition of the *magister officiorum* there are two useful monographs, J. E. Dunlap, *The Office of the Grand Chamberlain in the later Roman and Byzantine Empires*, and A. E. R. Boak, *The Master of the Offices in the later Roman and Byzantine Empires*, New York and London, 1924. For the praetorian prefecture E. Stein, *Untersuchungen über das officium der Prätorianerpräfector seit Diokletian*, Vienna, 1922, is basic. On the urban prefecture of Rome there is W. G. Sinnigan, *The Officium of the Urban Prefecture during the Later Roman Empire*, Rome, 1957.

1. For the civil service under the Principate see my *Studies in Roman Government and Law*, pp. 157-64. CAELIUS SATURNINUS: *ILS* 1214.

2. Op. cit. pp. 164-6. For *stratores* and *beneficiarii* of *rationales* see *CTh* ix. iii. 1, 320, viii. iv. 7, 361; for *Caesariani* see n. 88.

3. Op. cit. pp. 165-6.

4. Op. cit. pp. 165-6.

5. COMMUTATION OF ANNONAE: *CTh* vii. iv. 35, 423; *capitus* as well as *annonae* is mentioned in Amm. xxii. iv. 9, *CJ* i. xxvii. 1 §§22-39, 2 §§20-34, 534. VESTIS: *CTh* vi. xxx. 11, 386. For *probatoriae* see ch. XII, n. 4. LEGIO I ADIUTRIX: *CJ* xii. xxxvi. 6, lii. 3 (444), Joh. Lydus, *Mag.* iii. 3, et <coll> ocare eum in legione prima adiutrice nostra. For the survival of the rank *speculator* see Ath. *Apol. c. Ar.* 8, 83, *P. Oxy.* 1193, 1214, 1223, *P. Cairo Isid.* 127, *P. Oslo.* 88, *P. Erlangen.* 105, *P. Harris.* 133, *PRG.* V. 61, *CTh* viii. iv. 16, 389, of centurion (for *princeps*), *CTh* i. xvi. 7, 331, *AE* 1946, 227, *P. Oxy.* 1261, 1424, *P. Flor.* 320; for his *vitis*, Joh. Lydus, *Mag.* ii. 19. For the primipilate see p. 549.

6. MAGNUS MAXIMUS: Zos. iv. 37, Amb. *Ep.* 24 §2. MAMAS: Cyr. Scyth. *V. Theodosii*. As castration was illegal on Roman soil, eunuchs had to be imported (see pp. 851-2), and eastern lands were the only available source; Eutherius (Amm. xvi. vii. 5) and Narses (Proc. *BP* i. xv. 31) were both Armenians, and so too apparently was Eutropius (Claud. in *Eutrop.* i. 47); Gelanius, *castrensis* of Leo, was a Syro-Persian from Mesopotamia (*V. Dan.* 28, cf. 25). ABASGI: Proc. *BG* iv. iii. 15-20, Evagr. iv. 22. Eutherius's story (Amm. xvi. vii. 5, natus in Armenia sanguine libero captusque a finitimis hostibus etiam tum parvulus abstractis geminis Romanis mercatoribus venundatus ad palatium Constantini deducitur) is probably typical. GIFTS OF EUNUCHS: *CJ* xii. v. 4, 473; the same law declares them free.

7. The Notitia Dignitatum records only one *praepositus*, *primicerius* and *castrensis* in both East and West and the last served both the emperor and empress. (*Not. Dig. Or.* xvii. 7-8, *Occ.* xv. 8-9). Eudoxia, however, had her own *castrensis* in 400 (*V. Porph.* 36-40), and *CJ* xii. v. 3 (467-70) and 5 (492-7) mention separate *cubicula* and *praepositi*; cf. *V. Eutych.* 85, Καλοποδίω τῷ πριμικηρίῳ Ἀδγούστῃς. CUBICULARIAE: *A.C. Occ.* i. iv. pars ii. 224 (of Pulcheria), *CJ* xii. v. 4 §6, 473 (of servile origin). COMES SACRAE VESTIS: *CTh* xi. xviii. 1, 412 (S), non praepositum vel primicerium sacri cubiculi, non castrensem, non comitem sacrae vestis, non ceteros cubicularios. COMES DOMORUM: *CJ* xii. v. 2, 428 (S), hac nostrae mansuetudinis aeterna lege sancimus, ut omnes cubicularii, qui de nostro cubiculo exeunt, antequam primum locum obtineant, excepto castrensi et comite domorum his privilegiis perfruantur; the post was presumably first given to a eunuch after the *domus divina* was transferred from the *res privata* to the *cubiculum* (see pp. 425-6). SPATHARIUS: Theod. *Ep.* (PG) 110, *Chron. Pasch.* 590, *V. Dan.* 31 (Chrysaphius under Theodosius II), *V. Dan.* 56 (Hylasius under Leo.) SACELLARIUS: Joh. Ant. 214. 4, Παῦλον τὸν ἐκ δούλων γενόμενον αὐτοῦ σακελλάριον (under Zeno), Sev. *Ep.* i. 17 (under Anastasius). CASTRENSIS: *CTh* x. xiv. 1, ad Mygdonium castrensem palatii, 346 (S), Ath. *Hist. Ar.* 15, *Apol. c. Ar.* 36 (Hesychius in 343), *Not. Dig. Or.* xvii. *Occ.* xv. Gelanius is described as καστρησιος τῆς θείας τραπέζης of Leo in *V. Dan.* 25 and under Justinian we find a καστρησιανὸς τῆς θείας τραπέζης. It may be that the office of *castrensis* was split after the time of the Notitia, and there were several co-ordinate *castrenses* for different departments, or that there were subordinate departmental *castrenses* under the chief *castrensis*. Nothing is known of the function of the *primicerius* as his chapter is missing in *Not. Dig. Or.* and defective in *Not. Dig. Occ.* xiv., and he is rarely mentioned elsewhere (cf. *CTh*

xi. xviii. 1, cited above, *V. Eutychii*, 85, Calopodius, and Joh. Ant. 201. 2, Heraclius, the murderer of Aetius). Eusebius was *praepositus* throughout Constantius II's reign (Soc. II. 2, Soz. III. 1, Amm. XIV. x. 5, xi. 21, xv. iii. 2, xvi. viii. 13, xx. ii. 3). For Chrysaphius see above. Narses was *sacellarius* in 530 (Proc. BP I. xv. 31) and still in 538 (BG II. xiii. 16). Advancement by seniority to *comes domorum*, *castrensis* and *primicerius* is implied by CJ XII. v. 2 (cited above); for the two-year term see the story of Theodore in Joh. Eph. V. SS. Or. lvii.

8. For Eusebius, Eutropius and Chrysaphius see pp. 127, 177-8, 180. EUTHERIUS: Amm. XVI. vii. 5, 6, xx. viii. 19. GALLICANUS: Amb. Ep. 24. AMANTIUS: *V. Porph.* 36-40. CYRIL'S BRIBES: *A.C.Oec.* I. iv. pars i. 224, 293. ARSACIUS: Ath. *Hist. Ar.* 10. HESYCHIUS: Ath. *Hist. Ar.* 15, *Apol. c. Ar.* 36.

9. For Eutropius's sale of offices see Claud. in *Eutrop.* I. 192 ff. FEES IN THE CUBICULUM: Just. *Nov.* viii, *notitia*, 535. EUSEBIUS'S PETITIONES: Amm. XVI. viii. 13. PETITIONES OF CUBICULARII: *CTh* x. x. 34, 430. ANTIOCHUS AND CALOPODIUS: CJ I. ii. 24 §11 (530), *γίνονται δὲ εἰς σκεῖνον τῆς Ἀνατολῆς χαρτουλάριοι ιε', εἰς τὸ Ἀσιανῆς ις', εἰς τὸ Πόντου ιε', εἰς τὸ ἐνοικίων ιε', εἰς τὸ Θράκης η', εἰς τὸ τοῦ Ἀντιόχου ζ', εἰς τὸ τοῦ Καλοποδίου ζ', εἰς τὸ τοῦ ἀναλώματος ι', εἰς τὸ τῶν ληγάτων θ'.* Calopodius must be the *praepositus* of Leo mentioned in *V. Dan.* 49, cf. 89; the name is rare and seems peculiar to eunuchs (*A.C.Oec.* II. i. 311, *Chron. Pasch.* 620, Theophanes, A.M. 6024, Malalas, 490, *V. Eutychii*, 85). The identification of Antiochus with the eunuch of that name who was highly influential in the earlier part of Theodosius II's reign (Theophanes, A.M. 5900, 5905, 5936, Malalas, 361) is more speculative.

10. PRIVILEGES OF RETIRED CUBICULARII: CJ XII. v. 2, 428. THEODORE: Joh. Eph. V. SS. Or. lvii.

11. RANK OF PRAEPOSITUS: *CTh* VI. viii. 1, 422; OF CASTRENSIS: *CTh* VI. xxxii. 1, 416, and 2, 422, *viro spectabili com. et castrensi sacri palatii*; OF COMES DOMORUM: CJ III. xxvi. 11, 442, *viri spectabilis comitis domorum*; OF CHARTULARIES: Just. *Nov.* viii, *notitia*, 535. Theodosius II deprived retired *praepositi* of senatorial rank (Malalas, 361), but their degradation was brief; two appear among the senators at the Council of Chalcedon (*A.C.Oec.* II. 1, 334-5); for their later membership of the senate see CJ III. xxiv. 3 (485-6), XII. v. 5, (492-7).

12. Amm. XVI. vii. 4-7.

13. On Eutropius's consulate see Claud. in *Eutrop.* I. 1 ff. He was also made patrician (Zos. v. 17, Claud. in *Eutrop.* II. 561). Antiochus, *praepositus* under Theodosius II, was also a patrician, but after his fall this honour was debarred to *praepositi* (Malalas, 361). Under Zeno's law (CJ XII. iii. 3 (474-6)) they were also debarred, but Justinian by *Nov.* lxii §2, 537, made them eligible again as *illustres*. Narses was not only patrician but honorary consul (*ILS* 832).

14. *Not. Dig. Or.* xvii, *Occ.* xv; *ministeriales* and *paedagogiani* in *CTh* VIII. vii. 5, 326-54, a *paedagogianus* in Amm. XXIX. iii. 3. The *curae palatiorum* under the *castrensis* are not to be confused with the *cura palatii* who ranked as a *tribunus scholae* (see ch. XII, n. 16). WIVES OF CASTRENSIANI: CJ XII. xxv. 3 (467-70), 4, 474. JULIAN'S BARBER: Amm. XXII. iv. 9. MERCURIUS: Amm. XV. iii. 4. HYPERECHIUS: Amm. XXVI. viii. 5. GRADING AND PROMOTION: *CTh* VI. xxxii. 1, 416, 2, 422. SINECURES: *P. Cairo*, 67126; for the purchase of *militiae* by *argentarii* see Just. *Nov.* cxxxvi, 535, *Ed.* vii. 542, ix (undated).

15. THIRTY SILENTIARIES AND THREE DECURIONS: *CTh* vi. xxiii. 4 §1, 437, sub hac videlicet definitione, ut triginta tantummodo numero haec privilegia consequantur, decuriones quoque tres, quos numquam plures fieri inveterata consuetudo permisit: the wording of the law suggests that this establishment was exceeded in fact. They are described by Procopius (*BP* II. xxi. 2) as βασιλεῖ μὲν αἰεὶ ἐν παλατίῳ τὰ ἐξ τὴν ἡσυχίαν ὑπηρετοῦντα (σιλεντιαρίους Ῥωμαῖοι καλοῦσιν οἷς ἡ τιμὴ αὐτῇ ἐπικείται). They are first mentioned in Philostorgius, VII. 7 (under Constantius II) and in *CTh* VIII. vii. 5 (326-54), ii dumtaxat qui ministeriales et paedagogiani et silentiarii et decuriones exsistunt; cf. Ath. *Apol. c. Ar.* 56 and Amm. xx. iv. 20 for *decuriones* in 346 and 360. Their attendance at the consistory is attested by *CTh* vi. ii. 26, 428, aut etiam sacri consistorii decurionum militia muniuntur. Cf. Const. Porph. *Cer.* 87-90. In Cyr. Scyth. *V. Sabae*, 51, οἱ ἐπὶ τῶν θυρῶν σιλεντιάριοι (who appear to occupy τὸ λεγόμενον σιλεντιαρίων) admit Saba and his fellow monks to the palace, but do not seem to enter the *cubiculum*, where the *cubicularii* are in charge. The silentiaries do not appear in the Notitia Dignitatum; they were perhaps recorded in the lost or defective pages of the *praepositus sacri cubiculi*, cf. *CJ* XII. xvi. 4 (474-491), v. lxii. 25, 499, both addressed to the *praepositus* and dealing with the silentiaries, and Const. Porph. *Cer.* I. 86, where newly appointed silentiaries are presented by the *praepositus*. EUSEBIUS: Ath. *Apol. c. Ar.* 56. JOHN: *A.C.Oec.* II. i. 459, 489, Zach. *Myt. Chron.* III. 1. EUSTATHIUS: *A.C.Oec.* II. i. 406. MAGNUS: *A.C.Oec.* II. i. 138-9, 177-8, 181; cf. 'v.c. Aphthonius decurio sacri palatii vestri', who conveyed to Symmachus the 'caelestis praeceptio' about the disputed papal election in 419 (*Coll. Avell.* 18, 19). Other decurions appear carrying imperial letters to the popes (*Coll. Avell.* 83 §24). Leo sent a silentiary as envoy to the Goths (Malchus, 2), and silentiaries carry letters to the patriarch of Alexandria under Leo (Zach. *Myt. Chron.* IV. 6) and to the bishop of Ephesus under Theodosius II (*A.C.Oec.* II. i. 405).

16. HONOURS AND PRIVILEGES: *CTh* vi. xxiii. 1, 415, 4 §§1-2, 437; the sixth century rules are shown by the interpolated versions of these laws in *CJ* XII. xvi. 1 and 3; cf. also Const. Porph. *Cer.* I. 84. Their fiscal privileges include immunity from *angariae* and other *sordida munera* and superindictions, *CTh* vi. xxiii. 3, 432, 4 pr., 437. GUBAZES: Proc. *BP* II. xxix. 31. PAUL: Agath. v. 9.

17. PURCHASE OF POSTS: *CJ* XII. xvi. 5 §1, 497-9, nec ipsam militiam vel suffragium, quodcumque pro ea vel ab isdem viris devotis silentiariis vel a parentibus eorum vel quolibet alio datum est vel fuerit, ab his patimur in successionem defunctorum parentum conferri seu nomine collationis in medium easdem offerri pecunias vel his imputari; III. xxviii. 30 §3, 528, exceptis solis viris spectabilibus silentiariis sacri nostri palatii, quibus praestita iam specialia beneficia tam de aliis capitulis quam de pecuniis super memorata militia a parentibus eorum datis, ne in legitimam portionem eis computentur, rata esse praecipimus; Const. Porph. *Cer.* I. 86. The same chapter mentions the four silentiaries of the empress. From a comparison of Amm. xx. iv. 20 and Julian, *Ep. ad Ath.* 285B it would appear that in 360 Julian Caesar's wife had a personal decurion. In 577 we find a decurion as *dux Augustalis* of the Thebaid (*Sb* 7439).

18. *CTh* vi. xxxv. 7, 367, qui intra consistorii secreta veneranda notariorum funguntur officio. Notaries are first recorded under Licinius (Suidas, s.v. Ἀνθέντιος). Libanius's chief complaints against the notaries (ὑπογραφεῖς, cf. Zos. v. 40, τῶν βασιλικῶν ὑπογραφέων οὗς τριβούνους καλοῦσι) and the art of shorthand (σημεῖα) are *Or.* II. 44, 46, 58, XVIII. 131-4, XLII. 23-5, LXII. 10-11, 15, 51. Themistius (*Or.* VII. 86bc) speaks of the usurper Procopius as ἐν



ὑπογραφῶς ἀεὶ μοῖρα διαβιὸς ἐκ τοῦ μέλανος καὶ τῆς καλαμίδος. MARIANUS: Eus. *V. Const.* iv. 44. PAULUS: Amm. xiv. v. 6. PENTADIUS: Amm. xiv. xi. 21. HILARIUS AND DIOGENIUS: Ath. *Hist. Ar.* 48. SPECTATUS: Amm. xvii. v. 15. PROCOPIUS: Amm. xvii. xiv. 3. GAUDENTIUS: Amm. xvii. ix. 7, xxi. vii. 2. DECENTIUS: Amm. xx. iv. 2. For the promotion of notaries see pp. 127-8.

19. For notaries employed on special missions see Amm. xxviii. ii. 5 (Syagrius ordered to seize a fort), vi. 12 (Palladius sent to report on the complaints of the Tripolitani), xxx. iii. 2 (Paternianus sent to report on the invasion of Illyricum), Symm. *Rel.* 18 (a notary sent to supervise the shipment of corn from Africa to Rome), 26 (Aphrodisius sent to supervise public works at Rome). For promotion of notaries see Amm. xxi. iv. 2, Philagrius notarius, Orientis postea comitem, xxvi. v. 14, Neoterium, postea consulem tunc notarium, xxviii. i. 12, Leonem notarium, postea officiorum magistrum, ii. 5, Syagrius tunc notarium, postea praefectum et consulem, Paul. *V. Amb.* 31, Johannes tunc tribunus et notarius, qui nunc praefectus est. PROCOPIUS: Amm. xvii. xiv. 3, xxvi. vi. 1 ff., ix. 8. IOVIANUS: Amm. xxv. viii. 18. BASSIANUS: Amm. xxix. ii. 5. FAUSTINUS: Amm. xxx. v. 11. THEODORUS: Amm. xxix. i. 1.

20. *CTb* vi. x. 2, 381, 3, 381. In Symm. *Rel.* 23 and 26 (of 384-5) *tribuni et notarii* are styled *virī clarissimi*.

21. NUMBERS OF NOTARII: Lib. *Or.* ii. 58. CLAUDIAN: *ILS* 2949. PETRONIUS: *ILS* 809. MARCELLINUS: *Coll. Carth.* i. iv (Mansi, iv. 52), cf. Aug. *Ep.* 134, 151 (brother of Apringius proconsul). Other young nobles who served were Postumianus (*ILS* 1285), Junius Quartus Palladius (*AE* 1928, 80) and the father of Sidonius Apollinaris, son of a praetorian prefect and destined to become praetorian prefect himself (Sid. *Ap. Ep.* v. 9, cf. iii. 12, Zos. vi. 4, 13). NOTARII IN THE PROVINCES: Val. iii. *Nov.* vi. 3, 444, idcirco illustres vacantes per omnes nostras provincias constitutos ternos tirones in adaeratione debere persolvere: comites quoque consistorianos vel primi ordinis nec non tribunos et notarios, sed et eos, qui administrationes ordinarias in provinciis gubernarunt, dare singulos oportere: tribunos vero vacantes sive comites secundi vel tertii ordinis omnesque clarissimos tertiam partem tironis agnoscere, ita ut unius tironis pretium triginta solidis taxetur, exceptis Afris, qui hostili necessitate sedibus suis nuper expulsi sunt: pro excubiis autem praesentibus viginti consistorianos comites, triginta notarios immunes esse debere. The *virī tribunicii* mentioned by Augustine (*Civ. Dei*, xxii. viii) in Africa and Sidonius (*Ep.* i. 3, iv. 24, vii. 11) in Gaul were probably men who had served, at any rate nominally, in the *notarii*; cf. *V. Germani*, 15, for a 'vir tribuniciae potestatis' in Britain.

22. ARISTOLAUS: *A.C.Oec.* i. i. pars iv. 6, 8. DAMASCIUS: *A.C.Oec.* ii. i. 373, 378. EULOGIUS: *A.C.Oec.* ii. i. 72-3. AGENTES IN REBUS AS SECRETARIES OF THE CONSISTORY: *CJ* xii. xxxiii. § 4, § 24, excipiendis videlicet nec deducendis in hanc perpetuo conservandam legem pragmaticam eis, qui binas militias simul compositas et sociali nexas consortio fuerint adsecuti, ut in viris dicatissimis scholaribus atque candidatis fieri moris est nec non in viris devotis laterculensibus et pragmaticariis vel a secretis contigit, quos memorialium etiam aut agentum in rebus adornat cingulum, et si qui simili stipendiorum iunguntur copula, *A.C.Oec.* ii. i. 70, 92, 94, etc. ὁ καθωσιωμένος μαγιστριαὸς καὶ σηκητᾶριος τοῦ θείου κοινοστωριίου. ZENO'S LAW: *CJ* xii. vii. 2, 474. SLOW PROMOTION: Joh. Lydus, *Mag.* iii. 9, οἱ ταχυνγράφοι πολλῶν ἐτῶν δέονται, καθάπερ οἱ τριβοῦνοι, πρὸς τὸ διανῶσαι τὴν στρατείαν. καὶ γὰρ εἰς πληθὺς εἰσω ὥσπερ ἐκείνοι. PURCHASE OF POSTS: *CJ* ii. vii. 23 § 2, 506, et postquam tale deposuerint officium, si quidem

filios ingenuos habeant, eos clarissimorum notariorum inseri consortio tribunorum, sacras solitas epistulas sine quadam suffragii solutione percepturos.

23. RANK OF PRIMICERIIUS: *CTh* VI. x. 4, 425, cf. *CJ* XII. vii. 2, 474, Cass. *Var.* VI. 16. DUTIES: *Not. Dig. Or.* xviii. Occ. xvi. FEES: Just. *Nov.* viii. notitia, 535. PRAGMATICARII AND LATERCULENSES: *CJ* XII. xx. § 51, 457-70, illi quoque sunt ab hac liberalitate nostrae mansuetudinis excludendi, qui, cum scholae eidem soentur, in sacris scriniis, quibus vir spectabilis primicerius et tertiocerius praesunt, adiuuantes eos publicarum chartarum tractatibus occupantur et duobus officiis operam suam adhibere non possunt, XII. xxxiii. § 54, 524 (cited in n. 22), I. xxxi. § 52, 527, ad haec quadrimenstruos breves eorundem scholarium cura tuae sublimitatis et pro tempore viri excellentissimi magistri officiorum conscribi volumus et eos sacro scrinio laterculi praestari ibi deponendos, ut semper notitia eorundem scholarium certa sit neque publico damnum aliquod infligatur. Another law of Leo (*CJ* IV. lix. 1, 473) mentions τὸν περιβλέπτον σεκουνδοκήριον ἢ τερτιοκήριον τῶν λαμπροτάτων τριβούνων as concerned with the illicit grants of monopolies, which would be made no doubt by a *pragmatica*; the *secundocerius* perhaps had the option of serving as *adiutor* or as head of the *scrinium pragmaticarum*.

24. Referendaries are first mentioned in *CJ* I. 1. 2, mandata imp. Theodosii et Valentiniani AA. missa ad Antiochum pp. per referendarium, 427 (Constantinople); cf. also *A.C.Oec.* II. i. 177, Μακεδονίου τοῦ περιβλέπτον τριβούνου νοταρίου καὶ ἑφερενδαρίου (A.D. 449) *V. Dan.* 76 (under Basiliscus), *CJ* IV. lix. 1, 473, I. xv. 2, 527, *A.C.Oec.* III. 29 (536). Their duties are described in Cass. *Var.* VI. 17, Proc. BP II. xxiii. 6, *HA* xiv. 11, their numbers and rank as *notarii* in Just. *Nov.* x. 535, Const. Porph. *Cer.* I. 86. An ex-referendary appears to be Augustal *dux* of the Thebaid in P. Cairo, 67002, ἐπὶ τῆς ἀρχῆς τοῦ ἐνδοξοῦ Κύρου τοῦ ἑφερενδαρίου.

25. See ch. XII, n. 4. For their service in the court of appeal see Just. *Nov.* xx. 536; the *epistolares* and *libellenses* did this work.

26. PROBATORIAE: *CJ* XII. lix. 10, 472; see also ch. XII, n. 4. COMMISSIONS: *CTh* I. viii. 1, 415, 2 and 3, 424. LATERCULENSIS: *CJ* XII. xix. 13 § 1 (518-27), 15 § 1, 527, praeterquam si quis eorum vel ad laterculensis gradum in scrinio sacrae memoriae vel ad secundum locum in duobus aliis scriniis, id est sacrarum epistularum sacrorumque libellorum et cognitionum, provectus fuerit; Just. *Nov.* xxxv § 1, 535, licentia primatibus tantummodo adiutoribus data in sua loca alios subrogandi, id est in scrinio quidem memoriae tertium primum locum optinenti et laterculensis nomen ineunti, in aliis autem duobus scriniis, id est epistularum et libellorum, in secundum gradum venientibus et melloproximatum ingredientibus.

27. NUMBERS: *CJ* XII. xix. 10, 470. RATE OF PROMOTION: *CTh* VI. xxx. 3, 379 (three years), xxvi. 6, 396, xxxiv. 1, 405 (two years), xxvi. 11, 397, 17, 416 (one year).

28. *CJ* XII. xix. 7, 443, 11 (492-7).

29. *CJ* XII. xix. 13, 15, 527, Just. *Nov.* xxxv, 535.

30. CURIALES: *CTh* VI. xxvi. 1, 362, xxxv. 14, 423, *CJ* x. xxxii. 67 § 3, 529; there are also two laws of uncertain date earlier than 362 which give exemption to *curiales* after 20 years' service (*CTh* VI. xxvii. 1) or after completing their service (*CTh* VI. xxxv. 3). An early example (probably under Diocletian) of a

*curialis* enrolled in the *sacra scrinia* is *AE* 1961, 308, Aur. Valerino exceptori impp. in officio memorie qui apud civitatem Nicomediensium fati munus complevit . . . Aurelius Leontis vir docen. et dec. col. Salon. ex curatoribus eiusdem civitatis filio. JOHN CHRYSOSTOM: *Harvard Theol. Rev.* XLVI (1953), 171-3. POLYCHRONIUS: *CTh* VIII. iv. 21, 410. John Lydus (*Mag.* III. 26) originally intended to enlist in the *memoriales* and thus exploit his knowledge of Latin.

31. PROXIMI: *CTh* VI. xxvi. 2, 381, 4, 386, 17, 416, *CJ* XII. xix. 8, 444, cf. *A.C.Oec.* II. i. 149, 177, τοῦ περιβλέπτου κόμητος καὶ προξίμου τοῦ θεῖου σκρινίου τῶν λιβέλλων καὶ θείων κογνιτιόνων. OTHER CLERKS: *CTh* VI. xxvi. 7, 396, 8, 396, 16, 410 (S).

32. SCRINIUM DISPOSITIONUM: *Not. Dig. Or.* xi. 16, *Oec.* ix. 11, *CTh* VI. xxvi. 1, 362, *CJ* XII. xix. 11 (492-7). MAGISTER: *CTh* VI. xxvi. 2, 381. COMES: *CTh* VI. xxvi. 10, 397, 14, 412 (S), *CJ* XII. xix. 8, 444.

33. NUMBERS OF AGENTES IN REBUS: *Lib. Or.* II. 58, *CTh* VI. xxvii. 23, 430, *CJ* XII. xx. 4, 457-70.

34. Libanius uses such phrases as ἀγγελιαφόροι (*Or.* xviii. 135) or τὰς ἀγγελλας οἱ φέροντες (*Or.* II. 58, cf. XLVIII. 7, φέρει τὰς βασιλέως ἐντολάς) for the *agentes in rebus*; cf. also *Or.* LXII. 14, διακονοῦντες ταῖς βασιλέως ἐπιστολαῖς ὡς ἐκ τῶν βασιλείων ἀνάγκη φερέσθαι πανταχοῦ τῆς γῆς, and the description of Aristophanes' career in *Or.* XIV. 13-14. The first known *curiosus* occurs in 335, *Ath. Apol. c. Ar.* 75, Φλαβίῳ Παλλαδίῳ δονκηναρίῳ παλατιῷ κουριώσῳ, cf. 73, Παλλαδίῳ τῷ κουριώσῳ τοῦ Ἀδγούστου. The official title was originally, it would seem, *praepositus cursus publici* (*ILS* 5905, Fl. Valeriano ducenario agente in reb. et pp. cursus publici, A.D. 340-50), and *curiosus* and *curagendarius* were popular slang (*CTh* VI. xxix. 1, 355, ii quos curagendarios sive curiosos provincialium consuetudo appellat). APPOINTED BY SENIORITY: *CTh* I. ix. 1, 359, ad ducenam etiam et centenam et biarchiam nemo suffragio, sed per laborem unusquisque perveniat, usus omnium testimonio: principatum vero adipiscatur matricula decurrente, ita ut ad curas agendas et cursum illi exeant, quos ordo militiae vocat et labor. DUTIES: *CTh* VI. xxix. 2, 357. REPORTS: *CTh* VI. xxix. 4, 359, etenim cuncti ita agere debebitis, quatenus labore atque ordine ad cursum regendum et ad curas agendas iudicio scholae et ordinis merito dirigamini, ita ut nihil vestri principis ex his, quae geri in re publica videritis, notitiae subtrahatis, scientes poenis eum debitis subiugari, qui tantum facinus ausus fuerit perpetrare. General police duties are implied in *CTh* VI. xxix. 1, 355, and in Libanius's strictures on the *curiosi*, whom he styles πειθήνες (*Or.* IV. 25, XVIII. 135 ff.). NUMBERS: *CTh* VI. xxix. 2 §1, 357 (two), 8, 395 (one), 10, 412 (no limit): the second law is preserved in *CJ* XII. xxii. 4, and the *curiosi* thus limited to one per province in the sixth century. Their abolition in 414 (*CTh* VI. xxix. 11, 414) was probably a temporary concession to the African provinces, with which this law is concerned (cf. the *iunctae*, *CTh* VII. iv. 3, viii. 12). CURIOSI OF PORTS: *CTh* VI. xxix. 10, 412, 12, 415; cf. the *agens in rebus* stationed at Clysma who controlled the Indian trade (*Itin. Hier. Petrus Diaconus*, CSEL XXXIX. 116). THE CHIEF INSPECTOR: *Not. Dig. Or.* xi. 50-1, curiosus cursus publici praesentalis unus, curiosi per omnes provincias, *Oec.* ix. 44-5; cf. Pall. *Dial.* p. 11, ὑπὸ τοῦ κουριώσου τῆς πόλεως.

35. ADIUTOR AND HIS SUBADIUVAE: *Not. Dig. Or.* xi. 41-3, ix. 41-2, cf. *A.C.Oec.* II. i. 217, διὰ τοῦ καθωσιωμένου μαγιστριανοῦ Σενήρου τοῦ γενομένου σουβadiούβα τῆς σχολῆς καθωσιωμένων μαγιστριανῶν. SUBADIUVAE FABRICARUM: *Not. Dig. Or.*

xi. 44-9, *Occ.* ix. 43, *CJ* xii. xx. 5 (457-70.) It appears from this law that the *subadiuvae fabricarum* were very senior, holding the office, it would seem, in the year preceding their *principatus*. Other *subadiuvae* might be quite junior, not yet *centenarii* (*CJ* xii. xx. 4, 457-70); presumably the *adiutor* had a free choice in selecting his *subadiuvae*. For the high seniority of the *adiutor* see *CTh* vi. xxvii. 20, 426, *A.C.Oec.* II. i. 207, τοῦ μεγαλοπρεπεστάτου βοηθοῦ τοῦ ἐνδοξοτάτου μαγιστροῦ (A.D. 451).

36. On this complex problem see Stein, *Zeitschr. Sav. Stift. Rom. Abt.* xli. (1920), 195-239, and W. G. Sinnigan, *The Officium of the Urban Prefecture during the Later Roman Empire*, 14 ff. I do not entirely agree with these authorities, but I have no clear-cut solution of my own. It is a priori probable that *principes* who served illustrious officers would rank higher than those who served *spectabiles* and from the Codes it appears that some *principes* achieved proconsular rank in 410 (*CTh* vi. xxviii. 7), whereas others reached only that of vicars in 426 (vi. xxvii. 20, 21), preferred to remain consulars in 428 (*CTh* vi. xxvii. 22) and rose to the vicariate again in 440 (*CJ* xii. xxi. 5). The latter and humbler class, however, seem, like the former and grander, to have ceased to belong to the *schola* of the *agentes in rebus* when they took the *principatus*. The *Notitia Dignitatum*, it is true, speaks of them as *ducenarii* in nearly all cases (*Or.* xxi-xxv, xxviii, *Occ.* xviii-xx, xxii, xxiii, but *ex ducenariis* in *Occ.* xxi). The terminology of the Codes is inconsistent, but in three laws it is specifically stated that *principes* (of lower rank) received the *principatus* after termination of service (*CTh* vi. xxvii. 20, 426, qui ex agentum in rebus numero militiae ordine et labore decurso ducenae dignitatis meruerit principatum, 21, 426, quicumque impleto militiae suae ordine ac labore finito ad ducenae pervenerit principatum vi. ii. 26, 428, qui ex schola agentum in rebus expletis stipendiis ad principatum ducenae pervenerunt), and in another of 440 these inferior *principes* receive the *principatus* 'post ducenam' (*CJ* xii. xxi. 5). It also appears from vi. xxvii. 8, 396, that *ducenarii* on taking the *principatus* vacated their places in the *agentes in rebus*. I would therefore argue that the distinction drawn by Stein between the higher *principes* who were *ex agentibus in rebus* and the lower who were still members of the *schola* is invalid, and that the conclusion he drew from it falls to the ground.

I would suggest on the basis of *CTh* vi. xxvii. 20 and 21 (cited above) that the *principatus* of the *spectabiles iudices* was styled *principatus ducenae*, no doubt because it was the office upon which *ducenarii* entered immediately on terminating their service: they were as we have seen frequently spoken of as *ducenarii* still at this stage. That the upper class of *principes* were styled *principes agentum in rebus* is suggested by the contrasting phraseology of *CJ* xii. xxi. 5 and 6, the former of which certainly applies to the lower class, the latter probably to the higher; *CTh* vi. xxviii. 7 (= *CJ* xii. xxi. 3), which certainly refers to the higher class, also uses the term *principes agentes* (or *agentum*) *in rebus*. But it is doubtful whether this phrase was always confined to the higher class. Under the titles 'de principibus agentum in rebus' in the Codes there are some laws which refer to the lower class (e.g. *CTh* vi. xxviii. 1, addressed to the *vicarius urbis*, and 8, circulated not only to the praetorian and urban prefects but to the *spectabiles iudices*, and *CJ* xii. xxi. 5). What remains unclear to me is how it was decided which *agentes in rebus* were to hold the lower and which the higher *principatus*. There is nothing to suggest that holders of the *principatus ducenae* were promoted to *principes agentum in rebus*.

37. PROMOTION BY SENIORITY: *CTb* I. ix. 1 + VI. xxix. 4, 359, VI. xxvii. 4, 382, I. ix. 2, 386, VI. xxvii. 14, 404. SPECIAL PROMOTIONS: *CTb* VI. xxvii. 3, 380, cf. 7 and 9, 396, I. ix. 3, 405. APPOINTMENT OF ADIUTOR: *CTb* I. ix. 1, 359, adiutor praeterea, in quo totius scholae status et magistri securitas constituta est, omni schola testimonium praebente, idoneus probitate morum ac bonis artibus praeditus nostris per magistratum obtutibus offeratur, ut nostro ordinetur arbitrio; cf. for his responsibilities VI. xxvii. 3, quod in posterum custodiendum ita ratum sit, ut periculum se et adiutor et subadiuvae subituros esse cognoscant, si huius sanctionis nostrae normam umquam etiam insequentibus magistris desierint intimare, and for the part of the *schola* in controlling promotion, VI. xxvii. 4, in schola agentum in rebus nemo facile sub nostra quoque adnotatione speciali prorumpat, nisi sub maiore scholae parte, quisque advenit, probandus adsistat, qualis moribus sit, unde domo, quam officiorum originem ac sortem fateatur. novi quinquennio vacent a primi quoque honoris auspiciis; ante missionibus crebris futuris parent prodanturque nominibus; dehinc per singulos gradus iusta et firma praecedentium dimissione succedant. sane sic militantis probeque in actu rei publicae diversatis singulorum graduum, quos meruerint, non negamus accessum, ita ut ipsis quoque sit praecedentium ordo venerabilis ac sub maiore parte scholae etiam de huius gradu bonorum adtestatio et consensus accedat.

38. ARPAGIUS: *ILS* 9043. GAUDENTIUS: *Amm.* xv. iii. 8, xvii. ix. 7. Cf. also *Coll. Avell.* 188, 218, and 199-201, where Eulogius is described first as *magistrarianus* or *agens in rebus* and later as *tribunus et notarius*. Another Eulogius, of Oxyrhynchus, died a *μαγιστριανός* (*P. Oxy.* 1960; in 1876, 1958, 1961-2, he is described as *καθoσ' παλατινός*), but his sons Martyrius and Apphous became *vv. cc. tribuni et notarii* (*P. Oxy.* 1891, 1959-62, 1994); the family seem to have been considerable landowners. PROMOTION OF PRINCIPES: *CTb* VI. xxvii. 2, 380, agentes in rebus, si principatus sorte deposita forsitan provinciae gubernacula isdem non evenerint, par erit salutationis loco his quidem, qui praesidatum gesserint, cedere, sed eos, qui rationales fuerint, praevenire; xxviii. 13, 403. THEODORE: *A.C.Oec.* II. i. 211-12. The honorary *principatus* is first mentioned in *CTb* VI. xxvii. 16, 413, cf. 19, 417 (20 years), xxviii. 8, 435. SUBADIUVAE FABRICARUM: *CJ* XII. xx. § 2 (457-70), quod si morbo vel aetatis senio capti vel imperiti huiusmodi rerum vel quocumque alio vitio praepediti per se memorati officii curam subire nequiverint, consideratis praecedentibus eorum laboribus per substitutum chartularium eiusdem scrinii, cui praefuturus est ipse, idoneum et tam moribus optimis praeditum quam scientiam peritiamque rerum habentem electione sua suarumque periculo facultatum praefatum munus eos implere praecipimus.

39. GRATUITIES: *CTb* VIII. xi. 1, 364, 2, 365, 3, 365 (S), 4, 383, 5, 389, *CJ* XII. lxiii. 2, 530, cf. *Salv. Gub. Dei.* v. 30 and Barsanuphius, p. 62<sup>a</sup>, *ἄθροιστοί τινες ὑπατίαν ἔδωκαν· δὸς καὶ σὺ*. None of these sources give any clue to who were the recipients, but that they were, as might be expected, *agentes in rebus*, appears from *Lib. Or.* XIV. 14, *ἐπαινούμενος δὲ τῶν πόνων τὰ προτεινόμενα κέρδη διεωθεῖτο, καὶ οὐκ ἔστιν ὅστις ἐπιδείξει τοῦτον οὐκ ἐπιμελητὴν ὀρέων, οὐκ ἄγγελον ὑπάρχων, οὐ νίκης μηνυτήν, οὐκ ἄλλο τῶν τοιούτων ὑπηρετηγότα οὐδέν, ὃ τὰς μὲν πόλεις ἀπώλλυε, τοὺς δὲ δοκοῦντας διακοινεῖ μετ' ἀμαξίων χρυσὸν ἀγουσῶν ἀπέπεμπε*.

40. *CTb* VI. xxix. 5, 359, in his dumtaxat provinciis, in quibus cursus a provincialibus exhibetur, quoniam avaritiae occurrī paene iam non potest, singulos solidos per singulas raedas, id est quas quadrigas vel flagella appellant, percipiatis per id tempus, quo curarum et cursus tuendi sollicitudinem sustinebitis.

MESSALA: *V. Mel.* 52. For the misbehaviour of *curiosi* see *CTh* vi. xxix. 8, 395, 12, 415, and Libanius on the *πυθῆνες* (see n. 34).

41. FEES OF PRINCIPES: *CTh* vi. xxviii. 1, 379, 3, 386, 4, 387, 5, 395, 6, 399, Val. III, *Nov.* xxviii, 449. For the fees of the *cornicularius* see Joh. Lydus, *Mag.* III. 24.

42. NOMINATIONS BY HIGH OFFICIALS: *CTh* vi. xxvii. 8, 396. CURIALES: Lib. *Or.* xiv (Aristophanes), xviii. 135, xlvi. 7, *CTh* vi. xxvii. 1, 326-54, 16, 413, *CJ* x. xxxii. 67 §3, 529; *CTh* vi. xxvii. 2, 363, in which Julian allowed exemption from the *curia* to *agentes* after only three years' service, and to all those discharged in the current year, must be an exceptional indulgence, granted in compensation for the large-scale dismissals whereby he reduced the numbers of the corps. OFFICIALS: *CTh* vi. xxxiv. 1, 405 (*mentores*), i. xv. 11, 380 (*vicariani*), *CJ* xii. xxi. 7, 468 (*cobortales*), *CTh* vi. xxvii. 3, 380, 4, 382 (*officia* in general). HEREDITARY TENURE: *CTh* vi. xxvii. 8 §2, 396, *sed et sumentibus ducenariis principatum hanc tribuimus facultatem, ut his pro se liberos ac fratres suos in eadem militia serenitatis nostrae nutu liceat conlocare.*

43. ABSENTEES AND PURGES: *CTh* i. ix. 3, mag. off. (Or.), 405, vi. xxvii. 15, mag. off. (Occ.), 412, 18 and 17, mag. off. (Or.), 416 (S), 23, mag. off. (Or.), 430. CIVIL EMPLOYMENTS OF AGENTES: Th. II, *Nov.* vii. 1, 439, *CJ* xii. xx. 5 pr. Cf. *P. Oxy.* 904, where a fifth-century *agens in rebus* has contracted with a citizen of Oxyrhynchus to serve in his place as *riparius* of the city.

44. The belief that the *agentes in rebus* constituted a secret police seems to be based on Aurelius Victor, who wrote of them under Constantius II (*Caes.* xxxix. 44): qui, quum ad explorandum annuntiandumque qui forte in provinciis motus existerent instituti viderentur, compositis nefarie criminationibus, iniecto passim metu, praecipue remotissimo cuique, cuncta foede diripiebant. This testimony receives some support from a law of Constantius II (*CTh* vi. xxix. 4, cited in n. 34) and two instances in Ammianus (xv. iii. 8, xvi. viii. 9), both in the same reign.

45. *Not. Dig. Or.* xi. 17, officium ammissionum, *Occ.* ix. 14, ammissionales, *CTh* vi. xxxv. 3, 326-54, 7, 367, *CJ* xii. lix. 10, 472; the senior clerk was styled *proximus admissionum*, as in the *sacra scrinia* (Amm. xxii. vii. 2). MAGISTER ADMISSIONUM: Amm. xv. v. 18, *CTh* xi. xviii. 1, 412 (S), vi. ii. 23, 414. COMES ADMISSIONUM AND DECURIO: Const. Porph. *Cer.* i. 84, cf. Joh. Lydus, *Mag.* II. 17. The ceremonial functions of the *admissionales* are described in Const. Porph. *Cer.* i. 87-9.

46. LAMPADARII: *Not. Dig. Or.* xi. 12, Val. III, *Nov.* xxx, 450, *CJ* xii. lix. 10, 472.

47. DECANI: *CTh* vi. xxxiii. 1, 416, *CJ* xii. xxvi. 2, 444, lix. 10, 472, *V. Porph.* 39, 40; *decani* execute minor missions outside the palace in Amb. *Ep.* 20 §4, *V. Hypatii*, 119, and *A.C.Oec.* i. iv. pars ii. 155. CANCELLARII: *Not. Dig. Occ.* ix. 15, *CTh* vi. xxvii. 1 (326-54), *CJ* xii. lix. 10, 472, <can>cellariorum, mensorum, lampadariorum eorum qui sacris scriniis deputati sunt, decanorum partis Augustae, cursorum partis Augustae. According to Philostorgius, II. 4, the empress Fausta was executed for adultery with a *cursor*.

48. MENSORES: *Not. Dig. Or.* xi. 12, *CTh* vi. xxxiv. 1, 405, *CJ* xii. lix. 10, 472. The regulations on *metata* are given in *CTh* vii. viii, Th. II, *Nov.* xxv and *CJ* xii. xl; *mentores* of the imperial household are mentioned in *CTh* vii. viii. 4, 394, 5, 398.

49. INTERPRETERS: *Not. Dig. Or.* xi. 52, *Occ.* ix. 46. VIGILANS: Priscus, 7 and 8.

50. *CTh* VI. XXX. 7 (= *CJ* XII. XXIII. 7), 384; cf. the abbreviated lists in *Not. Dig. Or.* XIII. 21-34, *Occ.* XI. 87-99.

51. NO TRANSFERS: *CTh* VI. XXX. 5, 383; the rule no doubt applied to *largitionales* also. RATE OF PROMOTION: *CTh* VI. XXX. 3, 379 (three years), 14, 396 (two years), 21, 416 (one year); for the *mittendarii* see laws 8 and 9, 385, 22, 419, 23, 422. For the duties of the four senior *exceptores* see *Not. Dig. Or.* XIII. 22, 32-4, *Occ.* XI. 88, 98-9. *CTh* VI. XXX. 7 §2, 384.

52. FIGURES OF ESTABLISHMENT: *CTh* VI. XXX. 7, 384, 13, 395, officium, quod sublimitatis tuae iussionibus obsecundat, eas tantummodo teneat dignitates, quas divinae recordationis Valentis constitutio comprehendit, 15, 399, 16, 399, 17, 399; that supernumeraries received no emoluments is enacted by *CTh* VI. XXX. 11, 386, olim statuimus, ut ultra definitas dignitates nullus nec annonas nec strenas perciperet. sed quia plerosque de diversis palatinis officiis sub occasione indepti honoris strenas et vestes ceteraque sollemnia ultra statutum numerum percepisse cognovimus, et id quod ex superfluo praebitum est exigi facias et deinceps ultra statutas dignitates nihil praebere permittas.

53. *Curiales*, *cohortales* and *collegiati* are all mentioned in the purge of 399 (*CTh* VI. XXX. 16); for *cohortales* see also I. X. 5, 400, VIII. IV. 24, 412, for *curiales* VI. XXVII. 1, VIII. VII. 6, 326-54, XII. I. 38, 357 (S), 120, 389, VI. XXXV. 14, 423. HONOURS OF PRIMICERII: *CTh* VI. XXX. 19, 408, VI. II. 26, 428, *CJ* XII. XXIII. 13, 428.

54. ESTABLISHMENT: *CTh* VI. XXX. 16, 399. ORGANISATION: *Not. Dig. Or.* XIV. 8-14, *Occ.* XII. 30-38, *CTh* VI. XXX. 5, 383; this law proves that as in the *largitiones* the senior *scrinium*, whose chief was *primicerius totius officii*, was that of the *exceptores*. HONOURS OF PRIMICERII: *CTh* VI. XXX. 24, 425, II. 26, 428, *CJ* XII. XXIII. 14 (428).

55. The privileges of *palatini* are set out in *CTh* VI. XXXV, de privilegiis eorum qui in sacro palatio militant, and many laws in other titles of the Codes. For their jurisdictional privileges see pp. 489-90.

56. *CTh* VII. I. 14, mag. off., 394, quicumque infantes vel pueri militare coeperunt, sterni eos inter ultimos iussimus, ita ut ex eo tempore, ex quo parere coeperint, locum sibi incipiant vindicare, ut laborum suffragiis incrementa militiae consequantur. MARCELLUS'S CHILDREN: *Lib. Ep.* 362; for Musonius see *CTh* VIII. V. 8, 356 (S). In two other letters (*Ep.* 875-6) Libanius writes on behalf of one of his pupils whom his father, Marianus, had enrolled in some palatine office when he was still at his primary school (ἔτι μὲν ἐν συλλαβαῖς τὸν νέον ὄντα τοῦτον ὁ πατὴρ Μαριανὸς τῆς ἐν τοῖς βασιλείοις ἀγέλης ποιεῖ, πρὸ δὲ τῆς παρ' ἡμῶν διατριβῶν ἐγγραφεὶς εἰς συμμορίαν τινὰ τῶν ἐν τοῖς βασιλείοις), and has now (after his rhetorical studies) come to the time when he must take up his duties.

57. The basic study is E. Stein, *Untersuchungen über das Officium der Prätorianerpräfector seit Diokletian* (Vienna, 1922). I have made some minor criticisms in my *Studies in Roman Government and Law*, 213-6.

58. That the *commentariensis* was still in 331, as in the Principate, the junior *promotus* is proved by *CTh* VIII. I. 2, ne ii, qui procul ab officio sublimitatis tuae sunt, nullum meritum per sedulitatem vel obsequia praeferentes locum possint laborantibus debitum inrepere, exceptores placet pro loco et ordine suo ad commentarios accedere et eorum administrationi subrogari ceteris propulsatis, ita ut inter exceptores, prout quisque locum tempore adipisci

meruerit, ordine et merito consequatur; the law is probably addressed to a praetorian prefect (*sublimitas tua*). The *princeps*, *cornicularius* and *commentariensis* appear still to be the only judicial *promoti* in all offices in *CTh* VIII. xv. 3, 364, *princeps cornicularius commentariensis numerarius et ordinarii per singula officia possessionum adque aedium nec non etiam mancipiorum comparationem sciant sibi esse praeclusam*; 5, 368 (S), *patronos etiam fisci ab his contractibus iubemus inhiberi et qui principatum officiorum gerunt seu corniculum quique commentariensium nomine exosa miseris claustra custodiunt; tabularios quoque provinciarum et urbium singularum pari condicione constringimus; identidem numerarii praefecturae vel vicariae potestatis observent*. In a provincial *officium* these three officers share all the judicial fees (*FIR* I<sup>2</sup>. 64). The *adiutor* first appears under that name in Symm. *Rel.* 23 §7 (in the office of the urban prefect in 384), and under the title of *primiscrinii* in *CTh* VIII. viii. 2 (in the office of the *vicarius urbis* in 379) and 4 (in the office of the praetorian prefect in 386). The identity of the *adiutor* and the *primiscrinii* is proved by a comparison of the *officia* of the praetorian prefects in the Notitia with Joh. Lydus, *Mag.* III. 4 (cf. 9, 11-2) and Cass. *Var.* XI. 18-22, where the *adiutor* occupies the same place in the one as the *primiscrinii* in the other. He was also sometimes styled the *subadiuva* (*CJ* I. xxvii. 1 §24, 534, in *scrinio primiscrinii quod est subadiuvae*, cf. Joh. Lydus, *Mag.* II. 16, III. 8). Stein (op. cit. 57 ff.) held that the *adiutor* was in origin the principal assistant of the *princeps* and *cornicularius*, who, he believed, had a joint *scrinium* originally, and later had no *adiutores*. I believe that he originated as the principal assistant of the *princeps*, who certainly had *adiutores* in 331 (*CTh* I. xvi. 7) and 365 (*CTh* VIII. iv. 10), and that the *cornicularius* always retained *adiutores*. My reasons are (a) that in the Notitia the military *officia*, which have no *cornicularii*, nevertheless have *adiutores*, (b) that in the acts of the *Collatio Carthaginiensis* of 411 there appear *adiutores cornicularii, commentariorum* and *subadiuvarum* (Mansi, IV. 181), (c) that it is not clear in Joh. Lydus, *Mag.* III. 9, that the *cornicularius* had no *adiutores*; he only says that, as each principal officer had three *adiutores*, there were six in the *scrinia* of the *ab actis, commentariensis* and *primiscrinii*, since there were two holders of each of these posts (but only one *cornicularius*). A subordinate *ab actis* already existed under the Principate (*ILS* 2384, com(entariensis) *ab actis civilib(us)*); the ἀβάκτης of *P. Flor.* 71, line 509 (mid fourth century), is probably a similar subordinate. The earliest evidence for a principal officer so styled is the Notitia Dignitatum. DUTIES OF COMMENTARIENSIS: *CTh* IX. xl. 5, 364, VIII. xv. 5, 368, IX. iii. 5, 371, 6, 380, 7, 409, Basil, *Ep.* 286, *Acta Agapae, etc.* 3, *Acta Claudii, etc.* 2, *Acta Crispinae*, 1, Joh. Lydus, *Mag.* III. 16, 17; of *ab actis*, Joh. Lydus, *Mag.* III. 20, 27; of *primiscrinii*, *CTh* VIII. viii. 2, 379, 4, 386, Joh. Lydus, *Mag.* III. 11, 12; of *cura epistularum*, Cass. *Var.* XI. 23, Joh. Lydus, *Mag.* III. 5, 21; of *regendaris*, Joh. Lydus, *Mag.* III. 21 (his title is wrongly given as *regerendaris* in the Notitia). ADIUTORES: Joh. Lydus, *Mag.* III. 9, cf. 16, 20, *CTh* IX. iii. 5, 371 (of *commentariensis*), *CJ* II. vii. 26 §3, 524 (of *ab actis*). CHARTULARII: Joh. Lydus, *Mag.* III. 17, 27.

59. For the survival of the grade of *speculator* see above, n. 5. For *beneficiarius* see my *Studies in Roman Government and Law*, p. 209, n. 110. DEPUTATI AND AUGUSTALES: *CTh* VIII. vii. 8, 365, *praefecturae cornicularios, qui annis singulis ex numero deputatorum exeunt*, Joh. Lydus, *Mag.* III. 9-10, cf. 6, 16, 20, Cass. *Var.* XI. 30.

60. Joh. Lydus, *Mag.* III. 4, τῶν οὖν ἄλλων πάντων ἀδιοντῶρων ὄντων, ὁ ὑπαρχος δι' οἰκείας ὑποσημειώσεως δίδωσι τῷ πρὸς τὴν στρατείαν ἐρχομένῳ εἰς ὃν αὐτὸς ἔλοιτο ταχθῆναι κατάλογον. αἱ δὲ προσηγορίαι τῶν πάντων καταλόγων τῆς τάξεως αὐταὶ ὁ



κορνικουλάριος, etc.; 6, πολλῆς δὲ οὔσης ὑπὲρ ἀριθμὸν τῆς τῶν ταχυγράφων πληθούς, καὶ οὐ μικρὰς ἐχούσης ἀφορμὰς ἐπὶ κέρδους ἐργασίας, οἱ τούτων καὶ λογικώτεροι καὶ πρὸς τὴν ὑπηρεσίαν ἀρκοῦντες ἐν πεντεκαίδεκα συναγωγαῖς, ἃς καλοῦσι σχολὰς, συλλεγόμενοι, οἱ τὴν οὐσαν αὐτοῖς πείραν τοῖς πράγμασιν ἐπιδειξάμενοι ἐπὶ τὸ τάγμα τῶν Αὔγουσταλίων, εἶγε ἄρα θέλουσι, παρίασιν καὶ εἰς τὸ τοῦ κορνικουλαρίου πλήρωμα καταντῶσι, μετὰ μέντοι τὴν λεγομένην βοηθοῦραν· οἱ μένοντες ἐπὶ τῆς δέλτου εἰς τὸ τοῦ πριμισκρινίου ἀναφέρονται πλήρωμα. I take ὑπὲρ ἀριθμὸν to be technical and to imply that the new entrants of ch. 4 are *supernumerarii*; those who make good are then enrolled in the fifteen *scholae*, and of these some eventually pass into the *Augustales*, others remain on the roll of *exceptores* (Stein interprets this otherwise, op. cit. pp. 52 ff.). Synesius (*Ep.* 61) in order to identify Asterius, a fairly junior *exceptor* (ταχύγραφος) of the praetorian prefecture, explains that he was third or fourth (now perhaps first) in a group (*συμμορία*), of which a well-known civil servant, Marcus, was chief. This, as Stein argues, indicates that the fifteen *scholae* were each in charge of a high official, and he suggests that the fifteen *deputati* were their heads. But it is also possible that the heads of the *scholae*, as of the *κατάλογοι*, were the fifteen principal officers, enumerated by Lydus (*Mag.* III. 4) as one *cornicularius*, two *primiscrinii*, two *commentarienses*, two *regendarii*, two *curae epistularum* of Pontica (and presumably six more for Asiana, Oriens and Thrace): it is not clear why the two *ab actis* are absent from the list — perhaps the arrangement dated from before their creation. SELECTION OF CHARTULARII: Joh. Lydus, *Mag.* III. 17, 27. SELECTION AND LATER PROMOTION OF ADIUTORES: Joh. Lydus, *Mag.* II. 18 (nine years' seniority), III. 6, 9-10, 16, 20.

61. DUPLICATION OF OFFICES: Joh. Lydus, *Mag.* III. 4, cf. 9, 16, 20. RETIREMENT OF CORNICULARIUS AND PRIMISCRINIUS: Cass. *Var.* XI. 18-21, *CJ* XII. xlix. 12 (491-518). For the scheme of promotion in the Italian prefecture see the ingenious argument in Stein, op. cit. pp. 31 ff., based on Cass. *Var.* XI. 18-30. SLOWNESS OF PROMOTION: Joh. Lydus, *Mag.* III. 9, cf. 30.

62. Joh. Lydus, *Mag.* III. 35, *CTb* VIII. i. 8, 363, iubemus omnes numerarios, non eos modo, quos plebe confusa vulgus abscondit, sed primos etiam et magistros eorum, officii sedis amplissimae, tum autem iudicum ceterorum, solutos penitus militaribus sacramentis condicionales etiam fieri, ne dignitas fraudibus faciat umbraculum; 11, 365, super numerariis celsissimi officii tui aliter est nostra sententia quam divinae memoriae Julianus duxerat sancendum. ille lege proposita numerarios omisso cingulo, condicionis conscios vilioris necessitati publicae obsecundare praecepit: nos, qui malumus obsequia hominum esse voluntaria quam coacta, sumere cingulum et militiae ordinem tenere numerarios iubemus, cum, si in aliquo fraudium scelere fuerint deprehensi, nullo modo possint a corporali iniuria vindicari.

63. For the financial *scrinia* see pp. 449-50. DUPLICATION OF NUMERARII: Basil, *Ep.* 142-3. TERM OF OFFICE: *CTb* VIII. i. 8, 363 (five years), 17, 433 (three years). ADIUTORES AND CHARTULARII: *CJ* XII. xlix. 10 (485-6). For *tractatores*, *canonicarii*, etc. see pp. 449-51.

64. *CJ* I. xxvii. 1 §§29-35, cf. *Not. Dig. Or.* ii. 71, iii. 32, *Occ.* ii. 55, iii. 50, Joh. Lydus, *Mag.* III. 7, Cass. *Var.* XI. 31-2, *A.C.Oec.* I. iv. pars ii. 203 (*singulares*); Joh. Lydus, *Mag.* III. 8, 16, 20 (*cursores*, *nomenclatores*, *praecones*, *applicitarii*, *clavicularii*); Val. III, *Nov.* xxii §4, 446 (*mensores*).

65. *CJ* I. xxvii. 1 §§22-39, 534.

66. For judicial *sportulae* see pp. 496-9. INCOMES: Joh. Lydus, *Mag.* III. 27

(*chartularius*), II. 18 (*adiutor*), III. 24 (*cornicularius*). BONUSES: Cass. *Var.* XI. 33-7. For fiscal *sportulae*, etc., see pp. 467-8.

67. CURIALES: *CTh* VIII. vii. 6, 326-54; there are no other specific references to *curiales*, but they are frequently debarred for *militiae* in general terms. COHORTALES: *CTh* VIII. iv. 23, 412, quia plurimi consuetam proconsularem ceterorumque iudicum fugientes militiam diversis palatinis seu inlustrium potestatum officiis se sociasse dicuntur, decernimus omnes absolutos cingulo militiae ad propriam functionem reduci. Joh. Lydus, *Mag.* III. 26. VIVENTIUS: *CTh* VIII. vii. 10, 369. HONOURS OF RETIRING OFFICIALS: *CTh* VIII. vii. 8, 365, 9, 366 (*cornicularii*), i. 13, 382 (*numerarii*), *CJ* XII. xlix. 12 (491-518), Cass. *Var.* XI. 18, 20. It is generally assumed that the dignity of *tribunus praetorianus* is identical with that of *tribunus et notarius*, but it was probably lower. Certainly the grade of *tribunus praetorianus militaris* was lower, for it was given to retired *largitionales* and *privatiani* as a consolation when they renounced senatorial rank (see above n. 53). The title was presumably a survival from the time when there was still a praetorian guard; other similar obsolete posts preserved as honorific distinctions were *tribunus vigilum militaris* (*CJ* XII. liv. 4) and *tribunus urbanicianus* (*CTh* VI. xxvii. 8). In Justinian's day the *cornicularius* was a *comes* and *clarissimus* during his year of office (Joh. Lydus, *Mag.* III. 4, 30) and presumably rose to be *spectabilis* on retirement. POLYCARP AND MARINUS: Joh. Lydus, *Mag.* III. 36. PETER BARSYMES: Proc. *HA* XXII. 3-6. Marathonius, a *numerarius* of the praetorian prefecture, retired a wealthy man (Soz. IV. 27, δς ἀπὸ ψηφιστῶν δημοσίων τῶν ὑπὸ τοὺς ὑπάρχους στρατιωτῶν, πλοῦτον πολλὸν συλλέξας, ἐπειδὴ τῆς στρατείας ἐπαύσατο συνοικίας νοσοῦντων καὶ πτωχῶν ἐπεμελεῖτο).

68. On the prefects of the city see W. G. Sinnigan, *The Officium of the Urban Prefecture during the Later Roman Empire*, Rome, 1957. The chief financial officials of the urban prefecture were apparently called *primiscrinii* at first (Sym. *Rel.* 34 §6, *CTh* XIV. iv. 10, 419), later *numerarii* (Maj. *Nov.* iv §1, 458); cf. *Not. Dig. Occ.* iv. 25, *primiscrinii* sive *numerarii*. It is confusing that the *adiutor* (*Not. Dig. Occ.* iv. 21, Symm. *Rel.* 23 §7) is also sometimes styled *primiscrinii* (*Coll. Avell.* 16, 31). For the *censuales* see p. 431. For the *officia* of vicars, etc., we have very little information save the *Notitia*; the *Acta* of the *Collatio Carthaginiensis* show that in the proconsular office of Africa the *cornicularius*, *commentariensis* and *subadiuva* (i.e. *adiutor*) had their *adiutores* (see n. 58). A *nomenclator* of the *vicarius urbis Romae* is recorded in *CIL* VI. 9687. ESTABLISHMENTS: *CTh* I. xiii. 1, 394 (*comes Orientis*), xv. 5, 365, 12, 386 (vicars), 13, 389 (vicar of Asiana), Just. *Ed.* xiii §2 (Augustal prefect), *CTh* I. xii. 6, 398 (proconsul of Africa).

69. Just. *Ed.* xiii 4, οἱ δὲ γε αὐτῷ παρεδρεύοντες quinque librarum auri λήγονται ἐκ τῶν αὐτῶν καὶ ἑτέρους mille solidos καὶ ἡ κατ' αὐτὸν τάξις, καίτοιγε πρότερον τὴν τρίτην αὐτῶν ἔχουσα ποσότητα.

70. PRINCIPES: *Not. Dig. Or.* xx. 10, xxi. 6, xxii. 34, xxiii. 16, xxiv. 21, xxv. 27, xxvi. 17, *Occ.* xviii. 5, xix. 16, xx. 17, xxi. 17, xxii. 41, xxiii. 17. HONOURS OF CORNICULARII: *CTh* VIII. vii. 16, 385; *vicariani* are omitted in the Justinianic version (*CJ* XII. liii. 1). CORNICULARIUS OF THE VICAR OF PONTICA: *CTh* I. xv. 11, 380. RECRUITMENT: *CTh* VIII. vii. 6, 326-54 (*curiales*), i. xii. 4, proc. Afr., 393 (*curiales* and *plebei*), 6, 398 (*curiales* and *collegiati*), xv. 12, 386 (*curiales*). PROBATORIAE: *CTh* VIII. vii. 21, 426, *CJ* XII. lix. 10, 472.

71. For the general scheme of provincial *officia* see *Not. Dig. Or.* xliii, xliv, *Occ.* xliii-xlv, also *Or.* xxix (the *comes et praeses* of Isauria, who had a normal

praesidial *officium*), xxxvii. 43-51 (the praesidial *officium* of the *dux Arabiae*). For the addition of the *adiutor* and the *ab actis* see n. 58. The *a libellis* appears in *Not. Dig. Or.* xx. 17, xxi. 13 (proconsuls), xliii. 12 (consulars), xxix. 16 (*comes et praeses Isauriae*) and xxxvii. 50 (*praeses Arabiae*) and Seeck is therefore right in restoring it at xlv. 13 (other *praesides*). A *libellensis* appears in *FIR* 1<sup>2</sup>. 64 (consular of Numidia, 361-3), but as the office is not recorded anywhere in *Not. Dig. Occ.* it cannot have been an established post. SUBCLERICAL GRADES: *P. Oxy.* 1837, 1880-1, *PSI* 1365, *P. Lond.* 1679, 1797, *P. Flor.* 291, *P. Cairo*, 67054, 67103, 67282, 67291 (*singulares*); *P. Oxy.* 1901 (σχολή κουρσόρων, σχολή πρακτόνων), 1958 (*cursores*); *ILS* 8881 (δρακονάρχις ἐξ ὀφικίου τοῦ λαμπροτάτου ἡγεμόνος), *Theod. Ep. (PG)* 59, 133 (*draconarii*). *P. Oxy.* 2050 also records κνέσσωνάριοι (*quaestionarii*; cf. *de Mirac. S. Steph.* II. 5, for *quaestionarii* of the proconsul of Africa), κλαυικονλάριοι (*clavicularii*) and κουροπερσονάριοι (*curae personarum*), presumably attached to the *commentariensis* (cf. *Joh. Lydus, Mag.* III. 16). *Stratores* are attested only for proconsuls (*CTh* XIII. xi. 6, 394 (S)). PRINCIPES DE EODEM OFFICIO: *Not. Dig. Or.* xxix. 10, xxxvii. 44, xliii. 6, xlv. 7, *Occ.* xlv. 7, xlv. 7; FROM THE OFFICIUM OF THE PU OR PPO ITALIAE: *CTh* I. vi. 8, 382, apparitoribus tuis stationes, quas habuere antiquitus, statuimus esse reddendas. igitur pristino more servato ad omnes provincias, quas vel divi Constantini constitutio dederat vel Probus vir illustris permissa sibi a patre nostro potestate reddiderat, praecelsa sinceritas tua principes destinabit; qui sane meminerint nihil morae in his, quae primipili nomine res poscuntur, esse faciendum; *Not. Dig. Occ.* xliii. 6.

72. The title *tabularii* is used in *CTh* VIII. i. 1, 319, but *numerarii* in laws 4, 334, 6, 362, 7, 362, 8, 363; *tabularii* is restored in law 9, 365 and used in 12, 382. *Numerarii* are recorded in *Not. Dig. Or.* xliii, xlv, *tabularii* in *Occ.* xliii-xlv. TORTURE: *CTh* VIII. i. 4, 334, 6, 362. In *CTh* VIII. i. 7, 362, Julian mentions a previous law which made *numerarii condicionales*; that this meant loss of military status is shown by law 11, which restores their *cingulum* and *militiae ordo* to *numerarii* of the praetorian prefecture, who had also been made *condicionales* and 'solutos penitus militaribus sacramentis' by law 8. I infer that *numerarii* did recover their military status from the omission of the laws making them *condicionales* from the Codex Justinianus. TERM OF OFFICE: *CTh* VIII. i. 4, 334 (two years), 6, 362 (five years), 9, 365 (three years); the last law remained the rule, being reproduced as *CJ* XII. xlix. 2. TWO TABULARII: *CTh* VIII. i. 12, 382.

73. NUMBERS AND PAY: *CJ* XII. lvii. 9, 396 (S), *Just. Nov.* xxiv. §1 and *notitia*, xxv §1 and *notitia*, xxvi §2 and *notitia*, xxvii *notitia*, xxviii §§3, 4, xxix §2, *CJ* I. xxvii. 1 §40. In *Just. Nov.* cii §2 the *officium* of the *moderator* of Arabia is allotted two lb. gold only instead of the usual five, but I suspect that the figure is corrupt. For the fees see pp. 496-9 (judicial), pp. 467-8 (revenue collection).

74. *CTh* VII. xxii. 3, 331, ii, qui ex officialibus quorumcumque officiorum geniti sunt, sive eorundem parentes adhuc sacramento tenentur sive iam dimissi erunt, in parentum locum procedant. There is no later allusion to a hereditary obligation on sons of officials other than *cobortales*. In *CTh* VIII. iv. 8, 364, the rule is partially relaxed for those 'in proconsulum consularium correctorum vel praesidum officiis'. In VIII. vii. 16, 385, the words 'vel sponte initiatus est vel suorum retinetur consortio maiorum' refer back to the two groups earlier mentioned in the law, (a) the offices of praetorian and urban prefects and vicars and (b) provincial *officia*. Similarly in VIII. vii. 19, 397, the words 'cui nati sunt ordo' refer only to *cobortales*, who were liable to the *mancipatus*. The hereditary obligation of the *cobortales* is on the other hand often mentioned, e.g. VIII. iv. 13, 382, XII. i. 79, 375, VIII. iv. 28, 423, 30, 436, and the

same rules were applied to *cobortales* and *curiales*; cf. *CJ* XII. xxi. 7, 468, with x. xxxii. 67 §3, 529. During the fourth century all officials, including *praefectiani*, were forbidden to move to other offices during their period of service (*CTh* VIII. vii. 16, 385, 19, 397), but this rule was later relaxed for all but *cobortales*; it was still applied in 412 to officials of proconsuls (*CTh* VIII. iv. 23, proc. Afr., 24, *CSL* (Occ.), 412), but in the Notitia the note 'quibus non licet ad aliam transire militiam sine annotatione clementiae principalis' applies only to *cobortales* (*Or.* xliii. 13, xliv. 14, *Occ.* xliii. 13, xliv. 14, xlv. 14), and in Val. III, Nov. xxii §1, 446, *praefectiani* are expressly allowed to migrate to other *militiae*. RULES ON PROPERTY: *CTh* VIII. iv. 7, 361 (the church), *CJ* VI. lxii. 3, 349 (intestacy), *CTh* VIII. iv. 16, 389 (premature retirement). For the *primipili pastus* see ch. XIII, n. 117.

75. For the bar see pp. 513-4, for the church pp. 924-5. For the higher ministries see nn. 30, 42, 53, 67, cf. general allusions to *militia clarior* (*CTh* VIII. iv. 8, 364), *maius privilegium militiae* (law 22, 412). *Dignitates* are mentioned in *CTh* VIII. iv. 29, 428, 30, 436, *CJ* XII. lvii. 13, 442, 14, 471 (specifying provincial governorships), the senate in *CTh* VIII. iv. 14, 383, qui relicto principatus officio quod gerebat ad senatoriae dignitatis nomen ambiit, propriae redditus militiae plumbatis coerendus est. This law was evidently elicited by an actual case. It might refer to the *princeps* of the *comes Orientis*, who though an *ex ducentariis* of the *agentes in rebus* was not at this date entitled to senatorial rank after retirement, still less during service, but the severity of the punishment suggests that the man concerned was of humbler status, and his presumption more heinous, that is, that he was the *princeps* of a provincial *officium*. ANNULMENT OF SPECIAL GRANTS: *CTh* VIII. iv. 29, 428, *CJ* XII. lvii. 13, 442, 14, 471. ADVOCATI FISCO: *CJ* II. vii. 8, 440. PRINCIPES OF AGENTES IN REBUS: *CJ* XII. xxi. 7, 468.

76. CURIALES: *CTh* VIII. vii. 6, 326-54, iv. 8 §1, 364, XII. i. 96, 383, 134, 393; cf. VIII. vii. 17, 385, exceptores omnes iudicibus obsequentes, qui nec militiam sustinent neque a fisco ulla consequuntur annonae, absque metu navare coeptis operam, etiamsi decuriones sint, minime prohibemus, dummodo munia propriae civitatis agnoscant et peracto secundum morem exceptionis officio ad propriam sibi curiam redeundum esse non nesciant. SONS OF VETERANS: *CTh* VII. xxii. 6, 349, 9, 380 (cf. XII. i. 83); VII. xxii. 7, 8, 10 and 12 speak of *officia* in general. MERCHANTS: *CJ* XII. lvii. 12 §3, 436.

77. TRIPOLITANIA: *CTh* XII. i. 133, 393. FLAVIUS POUSI: *P. Oxy.* 1901. OFFICIALS OF THE THEBAID: *P. Flor.* 71, lines 60, 160, 509, 515, 546, 550, 604, 612, 625, 680, 697, 707, 713; other landowning *cobortales* are recorded in *PSI* 1077-8, *P. Zill.* 7. SONS OF PRIMIPILARES: *CTh* VII. xxii. 11, 380; at Edessa, capital of Osrhoene, this was the regular rule, *CTh* XII. i. 79, 375, 105, 384.

78. *P. Lips.* 36, 45-55, 58-61, 64.

79. There are two drafts of the petition (*P. Lips.* 34, 35), both much corrected and inconsistent in their facts and figures. LEASES: *P. Lips.* 17, 20-23. INHERITANCE SUIT: *P. Lips.* 33. COMPLAINT AGAINST SHEPHERDS: *P. Lips.* 37.

80. All these facts are drawn from the Notitia Dignitatum; a convenient table of the military offices will be found on p. 336 of Seeck's edition. I infer that the *cornicularius* was a later addition from his ranking below the *commentariensis* in *Occ.* xxvi, xxviii, xxx, xxxi; he appears with normal precedence only in *Occ.* xxiv (*comes Africae*). The *numerarius* and *primiscrinii* are mentioned in Anastasius' regulations for the ducal *officium* of Libya (*SEG* ix. 356), and *primiscrinii*

and *scriniarii* in his regulations for the ducal *officium* of Arabia (*Princeton Exp. Syria*, 20, 562); in the latter it would appear that the term of office for *primiscrinii* was five years. Both mention a *σουβσκριβεσνδάριος*, but in the former he is on the personal staff of the *dux* and not a member of the *officium*. Of the subclerical grades *singulares* are recorded in *Sb* 7439, 8029, *draconarii* and a *schola semissalium vel equitum* (τῆς σχολῆς τῶν σημισαλλῶν ἢ ἐκῶτων) in *Princeton Exp. Syria*, 20.

81. COMES AEGYPTI: *Not. Dig. Or.* xxviii. 48, principem de schola agentum in rebus ducenarium qui adorata clementia principali cum insignibus exit. EASTERN DUCES: *Not. Dig. Or.* xxxxi. 69, xxxii. 46, xxxiv. 50, xxxv. 36, xxxvi. 38, xxxvii. 37, xxxviii. 40, principem de schola agentum in rebus. That the distinction means something is suggested by *CTb* vi. xxviii. 8, *mag. off.* (Or.), 435, which was circulated to the praetorian and urban prefects and to those *spectabiles iudices* only who are recorded in the Notitia to have had *ducenarii* as *principes*. DANUBIAN DUCES: *Not. Dig. Or.* xxxix. 37, xl. 38, xli. 41, xlii. 45, principem de eodem officio qui completa militia adorat protector, *Not. Dig. Occ.* xxxii. 61, xxxiii. 67, xxxiv. 42 (also Belgica II, xxxviii. 11), principem de eodem corpore (or *officio*). OTHER WESTERN MILITARY OFFICES: *Not. Dig. Occ.* vii. 112-14. (mag. equ. per Gallias), xxv, xxvi, xxviii-xxxi, xxxv-xxxvii, xl, xli; for Stilicho's establishment of the system see pp. 174-5.

82. *Not. Dig. Or.* v. 67, officium autem suprascriptae magisteriae in praesenti potestatis in numeris militat et in officio deputatur (cf. viii. 54, ix. 49), vi. 70, officium autem suprascriptae magisteriae in praesenti potestatis cardinale habetur (cf. vii. 59): *Th.* II, *Nov.* vii. 4, 441, which was circulated to both *praesentales* and applied to all five *magistri*, implies, especially in §2, that their *apparitores* were established civil servants, and in *CJ* XII. lix. 10, notitia, the *officia* of all the *magistri* (except that of Thrace, whose omission is probably accidental) received *probatoria* in the ordinary way. NUMBERS: *Th.* II, *Nov.* vii. 4, 441; for the *statuti* see *CJ* I. xxix. 3, 476-85, XII. liv. 5, 491-518, and the Justinianic interpolation in *CJ* I. xxix. 2 (= *CTb* I. vii. 4).

83. OFFICIUM OF LIBYA: *SEG* IX. 356 §§2 (establishment), 8 (seconded soldiers), 14 (personal staff). AFRICAN OFFICIA: *CJ* I. xxvii. 2 §§20-34, 534.

84. *SEG* IX. 356 §§1 (service in regiments forbidden), 2 (*annonae* and *capitus*), 14 (fees). In *Just. Ed.* xiii §18 the *officium* of the *dux* of the other Libya is stated to get νομίματα ρπζ ἡμισν (187½ solidi). The figure is impossibly small, and should probably be emended to πκζ ἡμισν (387½), which would be equivalent to 40 *annonae* and 40 *capitus* in kind on the same scale as those allotted to the *dux*.

85. *CJ* I. xxvii. 2 §§20-34, 534.

86. PRINCIPES AND NUMERARII: *CJ* XII. liv. 4, 443 (S). REMIGIUS: *Amm.* xv. v. 36, rationarius apparitionis armorum magistri, cf. xxvii. ix. 2, xxviii. vi. 8, 30, xxix. v. 2, xxx. ii. 10. LEO: *Amm.* xxvi. i. 6, sub Dagalaifo magistro equitum rationes numerorum militarium tractans, cf. xxviii. i. 12, xxx. ii. 10, v. 10. JOHN: *Joh. Lydus, Mag.* III. 57, οὗτος ὥρμητο μὲν, ὡς ἔφην, ἐξ ἐκείνης, τοῖς δὲ τῆς στρατηγίδος ἀρχῆς σκρυνιαρίους συναριθμούμενος, δολερῶς οἷα Καππαδόκης παρεισδύς, οἰκιοῦται τῷ βασιλεῖ, καὶ κρείττονα πίστει ἐπαγγελάμενος πράξει ὑπὲρ τῆς πολιτείας εἰς λογοθέτας προήλθεν. εἰτ' ἐκεῖθεν, ὥσπερ κατ' ἐπιβάθραν, ἐπὶ τοὺς λεγομένους ἰλλουστρίους ἀνελθὼν, καὶ μήπω γνωσθεὶς ὁποῖός τις ἐστὶ τὴν φύσιν, ἀθρόως εἰς τὴν ὑπαρχον ἀνηρπάσθη τιμὴν. SECUNDUS: *Soc.* VI. 3, *Pall. Dial.* p. 28, Ἰωάννης οὗτος τὸ μὲν γένος ἦν Ἀντιοχεύς (κεκοίμηται δὲ), υἱὸς γεροντῶ τῶν διαπρεφάντων εὐγενῶς παρὰ τῇ τάξει τοῦ στρατηλάτου τῆς Συρίας, cf. *Joh. Chrys. de Sacerdotio*, I. 5. Cf. *PSI* 176, for a στρατηλατιανός who owns land. *Th.* II, *Nov.* vii. 4 §2, 441, probari

autem adparitores magisteriae potestatis neque curiales neque cohortales neque censibus volumus adscriptos, cf. *CTh* XII. i. 175, 412 (*curiales*).

87. *P. Cairo*, 67312. Other *duciani* who are landowners appear in *P. Hamb.* 23 (*exceptor*), *P. Zill.* 6 (*scriiniarius*), *Sb* 8029 (*singularis*).

88. For the *largitionales civitatum* and the *thesaurense*s see pp. 428-9. CAESARIANI: *CJ* x. i. 5 (285-93), *CTh* x. vii. 1, 317, viii. 2, 319, ix. xlii. 1 §4, 321, x. i. 5, 326, vii. 2, 364, *Bruns, Fontes?*, 95, *Amm.* xxviii. ii. 13. In *CJ* ix. xlix. 9 (= *CTh* ix. xlii. 1) *Caesarianis* is glossed 'id est catholicianis', that is officials of a *rationalis* (καθολικός). The laws speak of them only in relation to the business of the *res privata* (confiscations).

89. For the minor *officia* of the capitals see pp. 691-2. TITLES OF MUNICIPAL OFFICIALS: *CTh* VIII. ii. de tabulariis, logografis et censualibus, VIII. iv. 8, 364, subscribendarii vero, tabularii, diurnarii, logografi, censuales; *scribae* are mentioned in VIII. ii. 1, 341, 3, 380, XI. viii. 3, 409, cf. also VIII. ii. 3, vii. 6, XI. iv. 1 for *logografi*, and VIII. ii. 4 for *censuales*. *P. Cairo*, 67353 records τὸν δημόσιον σκῆῖβαν καὶ ταβουλάριον καὶ δημέκδικον τῆς. . . Ἀντινοέων πόλεως. The λογόγραφοι of *P. Amb.* 82, appear not to be civil servants but decurions performing a curial *munus*: their duty was to attend the court of the provincial governor. TABULARIUS CIVITATIS: *CTh* XIII. x. 1, 313, 8, 383, *Symm. Ep.* ix. 10 (assessments), *CTh* XI. i. 2 + vii. 1, 313 (S), XII. vi. 27, 400 (accounts); the *tabularii* of *CTh* XI. i. 9 and 11 may also be municipal. EXCLUDED FROM ARMY AND CIVIL SERVICE: *CTh* VIII. ii. 1, 341, 3, 380. ELIGIBLE FOR CURIA: *CTh* VIII. iv. 8 §§1-2, 364, ii. 2, 370. PROHIBITION OF SLAVES: *CTh* VIII. ii. 5, 401. The allusion in this law to *tabularii* who were appointed *solidis provinciis* is puzzling; they can hardly have been the regular *tabularii* of the provincial *officia*, who were certainly established civil servants; perhaps they kept the accounts of the provincial *concilium*. DECURIONS IN MUNICIPAL OFFICES: *CTh* VIII. ii. 4, 384. CLERKS OF THE DEFENSOR: *Just. Nov.* xv §3, 535, *P. Oxy.* 1108. For *stationarii* see ch. XIV, n. 114, and also *CTh* IV. xiii. 2 and 3, 321 (octroi), VIII. v. 1, 315 (postal warrants).

90. *CTh* VIII. ix. 1, 335, XIV. i. 1, 360 (S), 2, 386, 3, 389, 4, 404, 5, 407, 6, 409, *Cass. Var.* V. 21, 22. For their earlier history see my *Studies in Roman Government and Law*, 153-8, and for their later functions and development Sinnigan, *The Officium of the Urban Prefecture*, 78 ff. SCRIBA IN AFRICA: *Mansi*, IV. 51, 167, 181; cf. also *CTh* XIV. i. 6, 409, in eos sane, qui contra divalia statuta venisse dicuntur, spectabilis vic. Afric. vindictam ferre curabit. 'QUAESTOR' OF PROCOS. ACHAEAE: *Not. Dig. Or.* xxi. 9. SCRIBA OF PRAETOR OF CONSTANTINOPLE: *Joh. Lydus, Mag.* II. 30.

91. *Joh. Lydus, Mag.* I. 14-5, II. 6, 13, III. 22.

92. *Joh. Lydus, Mag.* II. 12, III. 42, cf. 68 (Latin), III. 3, 12 (*formulae*).

93. For interdepartmental feuds see pp. 353-4, and *Joh. Lydus, Mag.* II. 10, III. 23, 40 (the master of the offices), III. 35 (the financial officials).

94. For the rigid rule of seniority, varied only by graft, see *CTh* VIII. i. 1, 319, dudum sanximus ut nullus ad singula officia administranda ambitione perveniat, vel maxime ad tabularios, nisi qui ex ordine vel corpore officii uniuscuiusque est; VI. xxix. 4, 359, cesset omnis ambitio atque suffragium in schola vestra, etenim cuncti ita agere debetis quatenus labore atque ordine ad cursum regendum et ad curas agendas iudicio scholae et ordinis merito dirigamini; VI. xxvii. 4, 382, sane sic militantibus probeque in actu rei publicae diversatis singulorum graduum quos meruerint non negamus accessum, ita ut ipsis quoque sit praece-

dentium ordo venerabilis; 14, 404, nullus de schola agentum in rebus de cetero locum mortui conetur invadere, sed is qui ordine stipendiorum et laborum merito ad gradum militiae sequebatur, statim atque illum fata subduxerint, in eius praemia percipienda succedat, omni subreptione cessante; 19, 417, ideoque sancimus ut nullus ex his emendicato suffragio ad honorem principatus audeat adspirare, nisi quem ordo militiae ac laborum testimonium ad hunc honoris gradum provexerit . . . hos sane qui quoquomodo per ambitionem sine ullo stipendiorum suffragio memoratam principatus adepti sunt dignitatem, post eos qui laborum merito consecuti sunt numerari decernimus; *Princeton Exp. Syria*, 20, 562, ὥστε ἕκαστον τῶν δουκικῶν καὶ σκηνιαρίων καὶ ὀφφικιαίων τὴν ἐν ταῖς μάτρεϊν ὀρδινάτιονα φυλάττειν, καὶ μηδένα βαθμὸν ἢ νῦν ἢ μετὰ ταῦτα ἐναλλάττειν παρὰ τὴν τάξιν τῆς μάτρικος. The allusions to *labores* in these laws probably mean no more than regular attendance at the office, and would bar the promotion of notorious absentees. Further evidence of graft is afforded by letters written by great men to ministers of state on behalf of officials serving under them, e.g. Symm. *Ep.* I. 60, Romanus familiaris meus aulicis etiam nunc paret officiis utpote sacri administer aerarii, sed instrumenta probitatis in quemvis usum publici honoris excoluit. quare dignitas illi est promiscua cum plurimis, honestas aequa cum paucis. quod eo memorandum putavi ut a te quoque pro ratione vitae non pro gradu militiae censeatur, II. 63, IV. 37, Paulus amicus meus iamdiu aerario sacro militat, sed non pro gradu militiae spectandus tibi, nam probitate morum suorum mediocritatem vincit officii, nec despexeris hominem, si numerum stipendiorum eius examines; sed tardiores processus habet verecundia quae facit ut intra merita honoris sui haereat, VII. 123, in viro optimo et amicissimo meo Petrucio Romana simplicitas est. taceo quod illum longa militia et inculcata cohonestat, minora enim cetera facit morum eius inspectio, Lib. *Ep.* 82, 136, 1000, 1505.

95. See Seeck's articles in *PW.* s.v. *cancellarius* and *domesticus*. They are first attested in Amm. xv. vi. 1 (*domesticus* of *magister militum* in 355), *CIL* VI. 1770 (*cancellarius*, probably of *tribunus fori suarii*, in 363). FUNCTIONS OF CANCELLARIUS: Joh. Lydus, *Mag.* III. 37, Cass. *Var.* XI. 6, Agath. I. 19; OF DOMESTICUS: *CJ* I. li. 4, 404, *domesticus* iudicis a publicis actibus arceatur, Malchus, 16, τοὺς προαγωγέας τῶν λημμάτων τῆς ἀρχῆς, οὓς δομεστικούς καλοῦσι Ῥωμαῖοι. PURCHASES AND MARRIAGES: *CTh* III. vi. I + VIII. xv. 6, 380, *CJ* I. liii. 1, 528 (*domestici* of provincial governors). PROHIBITION OF OUTSIDERS: *CTh* I. xxxiv. 3, 423, nullus iudicum ad provinciam sibi commissam quemquam secum ducere audeat, cui domestici vel cancellarii nomen imponat, nec profectum ad se undecumque suscipiat, ne famae nota cum bonorum publicatione plectatur. periculo enim primatium officii cancellarios sub fide gestorum electos iudicibus adplicari iubemus, ita ut post depositam administrationem per continuum triennium nec militiam deserant et provincialibus praesentiam sui exhibeant, quo volentibus sit accusandi eos facilitas. The last clause implies that *cancellarii* were to be drawn from the *officium*, and the Justinianic version (*CJ* I. li. 8) adds 'ex eodem officio'. It is also implied in *CTh* VIII. i. 16, 417, that *domestici* were normally members of the *officium* and Justinian's version (*CJ* I. li. 6) again adds 'officiis eorum connumeratus'. Symmachus mentions two of his *domestici*, both civil servants; Asellus evidently served him as urban prefect in 384-5 (*Ep.* IX. 57, cum igitur Asellus domesticus noster in urbanis castris militiae stipendia sine offensione confecerit), Firmus (*Ep.* III. 67, Firmum domesticum meum militiae stipendiis cum honestate perfunctum) presumably when he was proconsul of Africa in 373-5: both men must have been comparatively junior when chosen as *domestici*, for the letters, written on their final retirement from their official

career, are of much later date. CANCELLARII OF PPO OR.: Joh. Lydus, *Mag.* III. 36-7; OF PPO AFR.: *CJ* I. xxvii. 1 §21, 534 (grouped with *consilarii* above the *officium* proper); OF PPO ITAL.: Cass. *Var.* xi. 6 (personal choice, not by seniority). PROVINCIAL CANCELLARII IN ITALY: Cass. *Var.* xii. 1, cf. i. 35, xi. 10, 14, 36-7, 39, xii. 3, 10, 12, 14-5. Further references to *domestici* include Isid. Pel. *Ep.* i. 300 (of PPO, the sole allusion), Proc. *BV* i. iv. 7, Joh. Ant. 201. 6 (of *mag. mil.*), Amm. xxx. ii. 11 (of *mag. off.*), xxviii. vi. 21, Orosius, vii. xlii. 11 (of *comes Africae*), *A.C.Oec.* i. iv. pars ii. 224-5 (of *praep. sac. cub.*, *mag. off.* and quaestor), Malalas, 410 (of *praep. sac. cub.*), *V. Hypatii*, 74, cf. 72 (of *cubicularius*), Th. ii, Nov. xxi, 441 (of *tribunus scholae*), *CJ* i. xlii. 2, xii. xxxvii. 19 pr. §4 (491-518) (of other tribunes), *CTh* vi. xxviii. 8, 435 (of *principes*). *Cancellarii* are also recorded in *CIL* xi. 317, vi. 8401 (PPO Ital. and PU Rom., both late sixth century), *IGLS* 687 (PPO Or., A.D. 422), *V. Germani*, 38 (*mag. mil.*), *IGLS* 530 (*comes Orientis*). The *domestici* of military officers are more prominent, the *cancellarii* of civil, but both categories seem to have possessed both officials, e.g. the *dux Libyae* in *SEG* ix. 356 §14, and provincial governors in *CJ* i. li. 3, 399. The *domesticus* is conspicuously absent from the African prefecture in *CJ* i. xxvii. 1, 534, and from the Eastern and Italian prefectures in Lydus and Cassiodorus, but this may be because he was a strictly personal assistant; he is attested once for a praetorian prefect (see above).

96. For decrepit seniors see *CTh* vi. xxvii. 16, 413, 19, 417, *CJ* xii. xx. 5 §2 (457-70), Joh. Lydus, *Mag.* III. 9.

97. PRICE OF PROBATORIAE: Joh. Lydus, *Mag.* III. 67. ENTRY FEES: *CJ* xii. xix. 7 §2, 444. For purchase of places in the palatine ministries see nn. 17, 22, 28-9. For the same practice in the praetorian prefecture see Joh. Lydus, III. 66, εἰκότως οὖν οὐδεὶς ἐπὶ στρατείαν ἀπήγγελλε, τὸ πρὶν εἰωθὸς ὑπὲρ χίλιους κατ' ἔτος ἕκαστον ταχνηγράφους στρατενομένους τοῖς πανομένοις τῶν πόνων καὶ μάλιστα τῷ λεγομένῳ ματρικουλαρίῳ—ἀντὶ τοῦ τῶν καταλόγων φύλακα—πόρον οὐ μικρὸν περιποιεῖν. This appears to mean that in the good old days the great influx of recruits used to enrich the officials who retired and in particular the establishment officer. This implies the same system as prevailed in the *sacra scrinia*, where retiring clerks sold their places to newcomers, who also had to pay a fee to the establishment officer.

98. Proc. *HA* xxiv. 30-1, *CJ* xii. xix. 11 (492-7), maxime cum viros etiam pro tempore spectabiles eorundem proximos scriniorum, si quis eorum ante completum proximatus actum morte praeventus sit, ad heredes successoresque suos residui temporis proximatus solacia sine quadam imminutione transmittere non dubitetur. Cf. the more generous rule for *domestici*; *CTh* vi. xxiv. 11, 432, *CJ* xii. xvii. 4 (527-534).

99. SINECURES: Joh. Lydus, *Mag.* III. 21, μετὰ δὲ τὸν ἀβ ἄκτις ὁ ῥεγενδάριος ἐπὶ τῆς φροντίδος τῶν συνθημάτων τοῦ δημοσίου δρόμου τεταγμένος ἔτι καὶ νῦν λέγεται μὲν, πράττει δὲ οὐδέν, τοῦ μαγίστρου τῆς αὐλῆς τὴν ὅλην ὑφελομένου τοῦ πράγματος ἐξουσίαν. μεθ' ὃν οἱ τῶν διοικήσεων κοῦρα ἐπιστολάρουμ, οἱ τὰς μὲν ἐπὶ τοῖς δημοσίοις φοιτώσας ψήφους γράφουσι μόνον, τὸ λοιπὸν καταφρονούμενοι· οἱ δὲ λεγόμενοι τρακτενταί, τὴν ἐγνωσμένην αὐτοῖς διδασκαλίαν ὑποτιθέντες τῷ προστάγματι, τὴν ὅλην ὑφ' ἡρπαζον ἐξουσίαν, μάλιστα ἐξ ὅτου τὴν ἀρχὴν ἐαντοῖς ἐθάρρουν περιποιεῖν οἱ σκρινιαριοί.

100. ABSENTEEISM: *CTh* vii. xii. 2, 379, vi. xxvii. 15, 412, *CJ* xii. vii. 2 §2, 474, xvii. 3, c. 450. EUSEBIUS: Symm. *Ep.* iv. 43, ix. 59.

101. EGERSIUS: *V. Hypatii*, 117-8. PLURALISM: *CJ* xii. xxxiii. 5, 524.



102. For *sportulae* see pp. 467-8 (financial), pp. 496-9 (judicial). For financial extortion see pp. 457-8 and for corrupt drafting of illegal petitions p. 410.

103. THEODERIC'S PENSIONS: Proc. *HA* xxvi. 27-8.

104. Majorian (*Nov.* ii §2) contrasts the 'humilis notusque compulsor' of the provincial office with 'canonicarios superioris militiae auctoritate terribiles et in provincialium viscera et damna desaevientes'.

105. The double fine on the magistrate and his *officium* is almost standard in the sanctions of the Codes. For the role of the *officium* as a check on their chief see especially *CTh* I. vi. 9, 385, si quis igitur iudicum fuerit repertus, qui supercilium suum principali aestimet iudicio praeferendum, quinque libras auri eius officium, nisi formam nostrae sanctionis suggesserit, decem ipse fisci viribus inferre cogatur; VII. xvii. 1, 412, etiam sublimitatis tuae officio quinquaginta libras auri condemnationi subiciendo, si non per singulos annos aut completum numerum aut certe negligentia praetermissum magisteriae potestati suggesserit; IX. xl. 15, 392, officia vero eorundem isdem, quibus iudices sui, dispendiis subiacebunt, si in suggestione cessaverint ac non praeceptum legis ingesserint atque iniecta manu, ne rei auferantur, obstiterint ac nisi id quod fuerit constitutum in effectum executionemque perduxerint; XI. xxix. 5, 374, quod si qui iudicum posthac non ita observaverit cuncta in relationibus dirigendis, quae iam pridem statuta sunt, eo crimine tenebitur una cum officio, quod ordinem servandorum suggerere neglexerit, quo tenentur, qui sacrilegium admiserint; XXX. 34, 364, ipse quidem notabili sententia reprehensus X librarum auri condemnatione quatietur, officium vero eius, quod non suggesserit nec commonuerit de relationis necessitate, viginti libris auri fiat obnoxium; XIII. v. 16, 380, apparitione quoque sua ultimo supplicio deputanda, cuius monitio hanc debet sollicitudinem sustinere, ut iudices prava forsitan indignatione succensos ab illicitis tempestiva suggestione deducat; XIV. iii. 21, 403, quod si non statim officium gravitatis tuae in ipsis inceptis occurrerit, sed in suggestione cessaverit, in singulis familiis librarum auri decem multa feriat; XVI. v. 46, 409, officium quoque suum, quod saluti propriae contempta suggestione defuerit, punitis tribus primatibus condemnatione viginti librarum auri plectendum.

## XVII. THE ARMY (p. 608)

The standard work on the later Roman army is R. Grosse, *Römische militär-geschichte von Gallienus bis zum Beginn der byzantinischen Themenverfassung*, Berlin, 1920. On the early development of the army the latest book is D. van Berchem, *L'armée de Dioclétien et la réforme constantinienne*, Paris, 1952. For the sixth century army there is a useful article by A. Mullei, 'das Heer Justinians', *Philologus*, LXXI (1912), 101-38, and for Egypt, J. Maspéro, *Organisation militaire de l'Égypte byzantine*, Paris, 1912.

1. See pp. 52-60.

2. See pp. 97-101. In Isauria the offices of *dux* or *comes rei militaris* and *praeses* seem to have been generally united from the middle of the fourth century at

least (Amm. xix. xiii. 2, *ILS* 740, *Not. Dig. Or.* xxix), but were not formally amalgamated until 535 (Just. *Nov.* xxvii). Military and civil powers may also have been regularly united in Mauretania Caesariensis (*Not. Dig. Occ.* xxx). In Arabia, however, the union (*Not. Dig. Or.* xxxvii) was temporary; there is a separate governor in Hierocles (721.12), Just. *Nov.* viii, notitia, 535, and Nov. cii, 536. In Tripolitania again there was a temporary union in 393 (*CTh* xii. i. 133, duci et correctori limitis Tripolitani); by 399 there was a separate *praeses* again (*CTh* xi. xxx. 59, cf. *Not. Dig. Occ.* i. 100, xxxi). For later combinations of powers in Egypt and Asia Minor see pp. 280-2.

3. See pp. 124-6.

4. *Not. Dig. Or.* v-ix, xxviii-xlii. VICARII OF MAGISTRI MILITUM: *CTh* xv. xi. 1, Mauriano com. domestic. et vices ag. mag. mil., 414; *A.C.Oec.* i. iv. pars ii. 200, Flavius Titus gloriosissimus comes devotissimorum domesticorum, implens locum magistri militiae potestatis; Sev. *Ep.* i. 15, 45 (τοποτηρητής of *mag. mil. Or.*), *Coll. Avell.* 186, una cum magistri militum vicario Candido comite (at Thessalonica; he was presumably *vicarius* of the *mag. mil. Illyr.*). INCREASE IN MILITARY COMMANDS: *CJ* xii. lix. 10, notitia, 472. CONTROL OF MAGISTRI OVER DUCES AND LIMITANEI: *CTh* vii. xvii. 1, 412, Th. ii, Nov. iv, 438, xxiv, 443. POWERS OF MAGISTER OFFICIORUM: Th. ii, Nov. xxiv, 443; cf. ch. XIV, n. 41, for later conflicts of jurisdiction with the *magistri militum*.

5. *Not. Dig. Occ.* v-vii, xxiv-xlii; see Appendix II, Table IV.

6. *Numerus* had in the Principate been used technically for irregular barbarian formations, as opposed to the regular *cohortes* and *alae* (see G. L. Cheesman, *The Auxilia of the Roman Imperial Army*, 85 ff.) and one of the later *numeri* in Britain (*Not. Dig. Occ.* xl. 47, *numeri* Maurorum Aurelianorum) is evidently such a unit which had survived, but the others (xl. 22-31, xxviii. 13, 15, 20, 21, and xxxv. 32 in Raetia) bear titles common among formations of later date. For the general use of *numerus* see *Not. Dig. Or.* xviii. 5, *Occ.* vii. 1, and inscriptions and literary authorities.

7. Cohors XI Chamavorum and Ala I Iberorum (*Not. Dig. Or.* xxxi. 61 and 46) are recorded under Diocletian in *P. Beatty Panop.* 2, lines 292 and 37, and this increases the probability that the other barbarian cohorts and *alae* recorded in the oriental ducates in the Notitia (Abasgi, Alamanni, Franci, Iuthungi, Quadi, Sarmatae, Sugambri, Tzanni, Vandali, see the indices of *alae* and *cohortes* in Seec's edition) date from Diocletian. For Constantine and the barbarians see p. 98.

8. SUBSIDIES: Amm. xxv. vi. 10, nos autem Saracenos ideo patiebamur infestos quod salaria muneraque plurima a Iuliano ad similitudinem praeteriti temporis accipere vetiti, questique apud eum solum audierant, imperatorem bellicosum et vigilantem ferrum habere non aurum, Proc. *BP* i. xix. 32, τότε δὴ ὁ βασιλεὺς οὗτος αὐτοῖς τε καὶ Βλέμνσιν ἔταξε δίδοσθαι ἀνὰ πᾶν ἔτος ἑτήριον τι χρυσίον ἐφ' ᾧ μηκέτι γῆν τὴν Ῥωμαίων ληίσσονται; Th. ii, Nov. xxiv §2, 443, de Saracenorum vero foederatorum aliarumve gentium annonariis alimentis nullam penitus eos decerpenti aliquid vel auferendi licentiam habere concedimus; Proc. *BV* ii. xxi. 17 (Antalas, a Moorish chief, rebels because τὰς σιτήσεις αἷς αὐτὸν βασιλεὺς ἐτετιμῆκει Σολόμων ἀφείλετο), *BG* iii. xxxiii. 8-9 (the Gepids ravage Roman territory, διὸ δὴ βασιλεὺς αὐτοῖς τὰς συντάξεις οὐκέτι ἐδίδου ἄσπερ εἶθιστο σφᾶς ἀνεκάθεν πρὸς Ῥωμαίων κομίζεσθαι). INSIGNIA: Proc. *BV* i. xxv. 3-7 (Moors), *Aed.* iii. i. 17-23 (Armenian satraps), Malalas, 412-3, Agath. iii. 15 (Lazi). PHYLARCHS: Malchus, 1 (Amorcesus asks Leo Ῥωμαίους ὑπόσπονδος γενέσθαι καὶ

φύλαρχος τῶν κατὰ Πετραίαν ὑπὸ Ῥωμαίοις ὄντων Σαρακηνῶν, i.e. of Palestine III), Cyr. Scyth. V. *Euthymii*, 10 (Aspebetus), Proc. BP I. xix. 10 (Justinian appoints Abocharabus φύλαρχον τῶν ἐν Παλαιστίνῃ Σαρακηνῶν); cf. xvii. 46, οὐδείς δὲ οὔτε Ῥωμαίων στρατιωτῶν ἄρχων, οὐδὲ δοῦκας καλοῦσιν, οὔτε Σαρακηνῶν τῶν Ῥωμαίοις ἐνσπόνδων ἡγούμενος, οἱ φύλαρχοι ἐπικαλοῦνται; Malalas, 435 (Justinian writes τοῖς δουξὶ Φοινίκης καὶ Ἀραβίας καὶ Μεσοποταμίας καὶ τοῖς τῶν ἐπαρχιῶν φυλάρχοις), 446 (the phylarch of Palestine), Just. Nov. cii §1, 536 (the moderator of Arabia is to yield μήτε τῷ περιβλέπτῳ δουκὶ μήτε τῷ φυλάρχῳ), Ed. iv §2 (555-6, the governor of Phoenice Libanensis to yield μήτε τοῖς περιβλέπτοις δουξὶ μήτε τοῖς λαμπροτάτοις φυλάρχοις). CROCUS: *Epit. Caes.* xli. 3. MAVIA: Soc. v. 1, cf. iv. 36, Soz. vii. 1, cf. vi. 38; cf. Amm. xxxi. xvi. 5.

9. See pp. 156-8.

10. FOEDERATI PROMOTED TO AUXILIA: Orosius, vii. xl. 7, cum barbaris quibusdam qui quondam in foedus recepti atque in militiam allecti Honoriaci vocabantur. For the drafting of *limitanei* into the *comitatus* under Honorius see Appendix II. For the disbanding of the surviving *limitanei* see V. *Severini*, 20, per idem tempus quo Romanum constabat imperium multorum milites oppidorum pro custodia limitis publicis stipendiis alebantur, qua consuetudine desinente simul militares turmae sunt deletae cum limite. Batavino utcumque numero perdurante, ex quo perrexerant quidam ad Italiam extremum stipendium commilitonibus allaturi, cf. 4, for the troops at Favianae.

11. SCHOLAE: *Not. Dig. Or.* xi. 3-10, *Oc.* ix. 3-8. STRENGTH: Proc. HA xxiv. 15 (3500 for 7 regiments). UNDER CONSTANTINE: CTb xiv. xvii. 9, 389, annonas civicas in urbe Constantinopolitana scholae scutariorum et scutariorum clibanariorum divi Constantini adseruntur liberalitate meruisse. Lact. *Mort. Pers.* xix. 6, Daia vero sublatus nuper a pecoribus et silvis, statim scutarius, continuo protector, mox tribunus, implies that the Scutarii were a select corps under Diocletian. SERGIUS AND BACCHUS: *Anal. Boll.* xiv (1895), 375-7. UNDER CONSTANTINUS II, ETC.: Amm. xiv. vii. 9, xvi. iv. 1, xx. viii. 13, xxvii. x. 12 (Scutarii and Gentiles), xxii. xi. 2, xxv. x. 9, xxvi. i. 4 (1 and 11 Scutarii), xiv. xi. 21, xxvii. ii. 6 (Armaturae), xxxi. xii. 16 (Sagittarii); there are many other references to Scutarii. CANDIDATI: Amm. xv. v. 16, xxv. iii. 6, xxxi. xiii. 14, xv. 8, Jerome, V. *Hilar.* 22; they do not appear in the Notitia as a separate corps, and were probably a select group of *scholares*; under Justinian the *militiae* of *candidatus* and *scholaris* were held in plurality by ancient custom (CJ xii. xxxiii. § 4, 524). From Const. Porph. *Cer.* i. 86 it appears that the *candidati* numbered forty.

12. For Sergius and Bacchus see n. 11. Tribunes of the *scholae* named by Ammianus include Agilo and Scudilo (xiv. x. 8), both Alamans, Bainobaudes (xiv. xi. 14), Mallobaudes (xiv. xi. 21), Arinthaeus (xv. iv. 10), Malarich (xv. v. 6), Nestica (xvii. x. 5), Gomoarius (xxi. viii. 1), Balchobaudes (xxvii. ii. 6), Barzimeres (xxx. i. 11), and Bacurius (xxx. xii. 16), an Iberian; as against these are Valentinian (xxv. x. 9) and Equitius (xxvi. i. 4), both Pannonians, and Romanus and Vincentius (xxii. xi. 2); but Roman names are not decisive, cf. Silvanus the Frank (xv. v. 33). Among other ranks Gaudentius (xxvi. v. 14), Salvius and Lupicinus (xxvii. x. 12) and Sallustius (xxix. i. 16) as against Natuspardo (xxvii. xi. 16) and the *candidatus* Laniogaisus (xv. v. 16); cf. also the unnamed Alaman deserter in xvi. xii. 2 and another unnamed Alaman in xxxi. x. 3, and a Frankish *candidatus* in Jerome, V. *Hilar.* 22. JULIAN'S OFFER: Amm. xx. viii. 13. ARMENIANS: Proc. HA xxiv. 16.

13. THEODERIC AND THE SCHOLAE: Proc. *HA* xxvi. 27-8. From Cass. *Var.* vi. 6 it appears that the corps was not formally disbanded. THE DECAY OF THE SCHOLAE IN THE EAST: Proc. *HA* xxiv. 17, Agath. v. 15.

14. EXCLUSION OF SLAVES: *CTh* vii. xiii. 8, 380, 11, 382, xviii. 9 §3, 396, *CJ* xii. xxxiii. 6, 529. EXCEPTIONAL ENROLMENT: Symm. *Ep.* vi. 58, 62, 64, *CTh* vii. xiii. 16, 406. FREEDMEN: *CTh* iv. x. 3, 426. INNKEEPERS, ETC.: *CTh* vii. xiii. 8, 380, cf. *CJ* xii. xxxiv. 1 (528-9). CURIALES: *CJ* xii. xxxiii. 2 (285-293), *CTh* xii. i. 10, 325, 13, 326, vii. xiii. 1 (326-54), xii. i. 38, 357 (S) (condoned after 5 years' service), 56, 362 (S) (condoned after 10 years' service), vii. i. 6, 368 (condoned after 5 years), xii. i. 88, 382 (condoned after 5 years), 9, 383 (condoned after 15 years), vii. ii. 1, 383, 2, 385, xii. i. 113, 386, 154, 397, vii. xx. 12, 400, xii. i. 147 and 181, 416 and *CJ* xii. xxxiii. 4 (472-3). COHORTALES: *CTh* viii. iv. 4, 349, vii. 12+13, 372, 19, 397, vii. xx. 12 §3, 400, viii. iv. 28, 423, *CJ* xii. xxxiii. 4 (472-3). COLONI: *CJ* xii. xxxiii. 3 (395-402), cf. xi. xlviii. 18, 426 and xii. xliii. 1, nullus tiro vagus aut veteranus aut censibus obnoxius ad militiam accedat, which is Justinian's adaptation of *CTh* vii. xiii. 6 §1, 370.

15. MARCIAN: Evagr. ii. 1. LAW OF 406: *CTh* vii. xiii. 17. SONS OF SOLDIERS AND VETERANS: *CTh* vii. xxii. 1, 313 (S), 2, 326, 5, 333, 4 (= xii. i. 35), 343 (S), vii. i. 5, 364, 8, 365, xxii. 7, 365, 8, 372, 9 and 10, 380, cf. 12, 398, xx. 12, 400. Gregory Nazianzen asked Ellebich, the *magister militum*, for the release of the son of a soldier who had become a reader in the church (*Ep.* 225). Cf. also *P. Abinn.* 19 (cited in n. 20). MARTIN: Sulp. Sev. *V. Mart.* 2; cf. *CTh* vii. xxii. 5, 333, veteranorum filii vel eorum, qui praepositi vel protectores fuerunt, vel ceterorum, qui quemlibet gradum militiae tenuerunt. VAGI: *CTh* vii. xviii. 10, 400, protectores, qui ad inquisitionem vagorum per provincias diriguntur, nullas in retinendis fugitivis dumtaxat indigenis iniurias possessoribus parent, quia hoc illis tantum permittitur, ut desertores veteranorum filios ac vagos et eos, quos militiae origo consignat, ad dilectum iuniorum provocent; 17, 412, omnes tribunos, qui per Africam vagorum et desertorum requirendorum sumpserunt officium; cf. vii. xiii. 6, 370, viii. ii. 3, 380, vii. xx. 12, 400. A *protector* is sent to round up sons of veterans in *CTh* vii. xxii. 2, 326.

16. CONSCRIPTION ANNUAL: Amm. xxxi. iv. 4, ut conlatis in unum suis et alienigenis viribus invictum haberet exercitum et pro militari supplemento quod provinciatim annuum pendebatur thesauris accederet auri cumulus magnus; cf. *CTh* vii. xviii. 14, 403, hac tamen condicione servata, ut ab his iunioribus, qui proxima indictione praesenti tempore conferuntur, supplicio temperetur, quia per provinciales intra praescriptum legibus tempus ad ea signa, quibus destinati fuerant, redhibendi sunt, ne possessores redhibitionis damna percellant propter eos, qui necdum paene auspicati militiam fugerunt. sed ut in his patientiam tenemus, ita omnes, qui ultra memoratam indictionem et nostrae beneficia sanctionis castra et militiam deseruere, condemnationibus obnoxios esse praecipimus. COMMUTATION OF RECRUITS: *CTh* vii. xiii. 2, 370, domum nostram ad exhibenda tironum corpora per eas provincias, a quibus corpora flagitantur, nolumus perurgueri: ceterum sinimus conveniri, in quibus pretia postulantur, ita ut ex certa praebitione redituum vicem concessionis istius repensemus; 7 §1, 375, quem ordinem, cum corpora postulantur, conveniet custodiri. sin vero aurum fuerit pro tironibus inferendum, unumquemque pro modo capitacionis suae debitum redhibere oportet. CURIAL CONSCRIPTION OFFICERS: *Chr.* i. 466, ἐπὶ παρανοσίᾳ Θεών[ος] ἐπιμελητοῦ τιρόνων τῆς αὐτῆς Ἡρακ-

[λ]εοπολιτῶν (πόλεως); Theon and his colleague Cyril are not specifically called decurions, but evidence for the responsibility of the councils is afforded by *Chr.* i. 465, βουλῆς οὐσης, πρὸντ' Ἀσκληπιάδου Ἀχιλλέως γυνὴ' βουλ', *Εὐτράργιος* ἀπὸ λογιστῶν εἶπεν τῆς ἐξουσίας τοῦ κυρίου μου τοῦ λαμ' δονκός Φλ' Ἀρτεμίου εὐτρυχῶς ἐπιδημησάσης τοῖς αὐτόθι, ἀνεδιδάξαμεν αὐτοῦ τὴν ἀρετὴν, ὡς τῶν νεολέκτων τῶν στρατευθέντων ὑφ' ἡμῶν ἐκ παραλογισμοῦ ἀνεργκόντων ὡς μὴ πληρωθέντων τοῦ συμφώνου τοῦ πρὸς αὐτούς, etc., and *P. Oxy.* 1190 (a letter from the στρατηγός, that is *exactor civitatis*, of Oxyrhynchus to the two *praepositi* of the fifth *pagus*, stating that the *dux* has demanded recruits and instructing them to see that they are produced). Cf. *P. Lips.* 34V, 62, for curial ὑποδεκταὶ χρυσοῦ τιρόνων. Arrears of recruits were collected by official *exactores* (*P. Lips.* 55, Φλαονίῳ Ἰσιδώρῳ βενεφικαρίῳ τάξεως ἡγεμονίας Θηβαίδος ἀπαυτητῇ τιρόνων Κονσταντίνης καὶ Διοκλητιανοῦ πόλεως.). CAPITULA: *CTh* VII. xiii. 7 §1, 375, illud etiam similiter definitum est, ut ii tantum a consortibus segregentur, quorum iugatio ita magna est, ut accipere non possit adiunctum, cum pro suo numero in exhibendo tirone solus ipse respondeat. inter quos vero possessionis exiguae necessitas coniunctionem postulat, functionis annorum et praebitionis vicissitudo servetur, quippe ut senatores ceterique, qui primo anno et suo et consortis nomine tironem dederint, insequenti vice habeantur immunes illique in praebitione succedant, a quorum conventionione fuerit ante cessatum. quem ordinem, cum corpora postulantur, conveniet custodiri. sin vero aurum fuerit pro tironibus inferendum, unumquemque pro modo capitationis suae debitum redhibere oportet; cf. XI. xxiii. 1, 361, protostasiae munus hactenus senatores inposita necessitate sustentent, ut isdem senatorum census implendae necessitatis contemplatione socientur nec cuiusquam alterius iuga aut capita senatorum censibus adgregentur, cum protostasiae munus ita debeant sustinere, ut ad eum numerum, quem ipsi censuali sorte sustentant, senatorum tantum censibus nexis eandem necessitatem debeant explicare; xvi. 14, 382, totius capitulariae sive, ut rem quam volumus intellegi communi denuntiatione signemus, temonariae functionis fieri iubemus exsortes, ita ut eorum uniuscuiusque adscriptio excusetur, non ut onus alterius excipiat, si etiam eius summae sit, ut recipere possit adiunctos, sed aut suum tantum munus agnoscat aut, si conplacito opus est, magis alteri ipse societur quam eidem alter adnectatur. Other allusions to the system are *CJ* x. lxii. 3, 285-93, xlii. 8 (293-305), *Acta Maximiliani*, i. 1, *CTh* xi. xvi. 6, 346, vi. xxxv. 3, 352 (S), xi. xxiii. 2, 362, vii. xviii. 3, 380, xi. xvi. 15, 382, 18, 390, xxiii. 3 and 4, 396, vi. xxvi. 14, 412 (S). For villages see *Chr.* i. 466-7.

17. VALENS' LAW: *CTh* VII. xiii. 7, 375, cf. *Chr.* i. 466 for the villager. For the abuse of the system see Anon. *de rebus bell.* iv, Soc. iv. 34. RECRUITS TO BE CENSITI: *CTh* VII. xiii. 6, 370.

18. LEVIES FROM HONORATI: *CTh* VII. xiii. 15, 402, 18, 407 (commuted), 20, 410 (commuted for 30 solidi), xi. xviii. 1, 412 (S) (commuted, list of exemptions), vi. xxvi. 14, 412 (exemption), xxx. 20, 413 (exemption), xxiii. 2, 423 (exemption), vii. xiii. 22, 428 (exemption), Val. III. *Nov.* vi. 3, 444 (details of commuted levy).

19. AGE: *CTh* VII. xxii. 2, 326 (20-25), xiii. 1, 326-54 (19), xxii. 4 (=xii. i. 35), 343 (S), iam dudum sanximus, ut veteranorum filii, qui post sedecim annos militiae munus subire non possunt vel armis gerendis habiles non extiterint, curiis mancipentur. As decurions were not enrolled under 18 or recruits under 19, 'post sedecim annos' must mean sixteen years after they became liable to the call-up. HEIGHT: *CTh* VII. xiii. 3, 367, cf. i. 5, xxii. 8; for the old limit see Veg. i. 5. BRANDING: *Acta Maximiliani*, i. 5, Veg. i. 8, Aug. c. *Ep. Parm.* II. 29, cf. *CTh* x. xxii. 4, 398, stigmata, hoc est nota publica, fabricensium brachii

ad imitationem tironum infligatur, ut hoc modo saltem possint latitantes agnoscī.

20. Veg. I. 7, dum indicti possessoribus tirones per gratiam aut dissimulationem probantium tales sociantur armis, quales domini habere fastidiunt. DECURIONS: *CTh* VII. xiii. 1 (326-54), ii. 1, 383, 2, 385. IDENTIFICATION DISC: *Acta Maximiliani* ii. 6, ego Christianus sum, non licet mihi plumbum collo portare. For *probatoria* see n. 143. POSTING TO UNITS: *CTh* VII. xxii. 8, 372, etenim hi, quibus vel corporis robur vel statura defuerit, qui comitatensi digni possint esse militia, ripensi poterunt copulari (this law refers to sons of veterans), *CTh* VII. xiii. 7 §3, 375, ipsorum etiam, qui militaturi sunt, privilegiis accedentibus facilius devotio provocatur, videlicet ut universi, qui militaria sacramenta susceperint, eo anno, quo fuerint numeris adgregati, si tamen in suscepto labore permanserint, immunes propriis capitibus mox futuri sint. completis vero quinque annorum stipendiis qui comitatensibus numeris fuerit sociatus, patris quoque et matris nec non et uxoris suae capitationem meritis suffragantibus excusabit. ii vero, qui in ripa per cuneos auxiliaque fuerint constituti, cum proprio capite uxorem suam tantum post quinque annos, ut dictum est, praestent immunem, si tamen eos censibus constiterit adtineri (ordinary conscripts), cf. *P. Abinn.* 19, *νῖός ἐστὶν στρατιώτου καὶ ἔδωκεν τῷ ὄνομα αὐτοῦ ἵνα στρατεύθῃ. ἐὰν οὖν δύνῃ παραφῖναι αὐτὸν ὀπίσω, ἔργον καλὸν ποιεῖς . . . ἐὰν δὲ πάλιν στρατεύθῃ ἵνα συντήρῃς αὐτὸν ἵνα μὴ ἔλθῃ ἔξω μετὰ τῶν ἐκλεγωμένων ἐς κομιδάτον* (letter to Abinnaeus, *praepositus* of an *ala* of *limitanei*). SONS OF EQUITES: *CTh* VII. xxii. 2 §§1-2, 326.

21. IMMUNITY FROM POLL TAX: *FIR* I<sup>2</sup>. 93 (reading in line 13, ut idem milites nostri militiae quidem suae tempore quinque [m] <annorum stipendiis completis quattuor> capita iuxta statutum nostrum ex censu adque a praestationibus sollemnibus annonariae pensitationis excusent); *CTh* VII. xx. 4 pr. §3, 325, xiii. 6 pr., 370, 7 §3, 375.

22. SELF-MUTILATION: *CTh* VII. xxii. 1, 313 (S), xiii. 4, 367, 5, 368, 10, 381, *Amm.* XV. xii. 3. RECRUITS UNDER GUARD: *V. Pachomii*, 4, *Chr.* I. 469. DESERTION OF RECRUITS: *CTh* VII. xviii. 4, 380, 6, 382, 9 §1, 396, 14 §1, 403.

23. *Amm.* XV. xii. 3, cf. *CTh* VII. xiii. 5, *Ppo Gall.*, 368.

24. EXEMPTION OF RES PRIVATA: *CTh* VII. xiii. 2, 370, XI. xvi. 12, 380, VII. xiii. 12 and 14, 397; OF SENATORS: *CTh* VII. xiii. 13, 14, 397. For the annual conscription see n. 16. VALENS AND THE GOTHs: *Amm.* XXXI. iv. 4, *Soc.* IV. 34. SPECIAL LEVIES OF RECRUITS: *Val.* III, *Nov.* vi. 1, 440, reparandi feliciter exercitus cura conferre debere tirones possessorem censuimus: 2, 443. The latest Eastern laws are *CTh* XI. xxiii. 3 and 4, 396. THRACIAN RECRUITS: *Pall. Dial.* p. 57. SABA'S FATHER: *Cyr. Scyth. V. Sabae*, 1.

25. *Amm.* XX. iv. 4, illud tamen nec dissimulare potuit nec silere, ut illi nullas paterentur molestias qui relictis laribus Transrhenanis sub hoc venerant pacto ne ducerentur ad partes umquam Transalpinas.

26. PRISONERS: *Zos.* v. 26. DEDITICII: *Amm.* XX. viii. 13, *CTh* VII. xiii. 16, 406. LEVIES OF RECRUITS: *Amm.* XVII. xiii. 3, XXVIII. v. 4. LAETI: *Pan. Lat.* VIII. 21 §1, *Amm.* XVI. xi. 4, XX. viii. 13, Laetos quosdam cis Rhenum editam barbarorum progeniem, XXI. xiii. 16, *Zos.* II. 54, *γένος ἑλκων ἀπὸ βαρβάρων, μετοικήσας δὲ εἰς Λετούς, ἔθνος Γαλατικόν*. TERRAE LAETICAE: *CTh* XIII. xi. 10, 399, quoniam ex multis gentibus sequentes Romanam felicitatem se ad nostrum

imperium contulerunt, quibus terrae laeticae administrandae sunt, nullus ex his agris aliquid nisi ex nostra adnotatione mereatur. PRAEFECTI LAETORUM: *CTh* VII. XX. 10, 369, si quis praepositus fuerit aut fabricae aut classi aut laetis, *Not. Dig. Occ.* xlii. 33-70. The Sarmatian *laeti* were probably settled in Italy by Constantine (Anon. Val. 32, sed servi Sarmatarum adversum omnes dominos rebellarunt, quos pulsos Constantinus libenter accepit, et amplius trecenta milia hominum mixtae aetatis et sexus per Thraciam, Scythiam, Macedoniam, Italiamque divisit). ALAMANS IN ITALY: *CTh* VII. XX. 12, 400, quisquis igitur laetus Alamannus Sarmata vagus vel filius veterani aut cuiuslibet corporis dilectui obnoxius et florentissimis legionibus inserendus. *Laeti* are apparently alluded to as 'corpora publicis obsequiis deputata' in Sev. *Nov.* ii, 465.

27. Vitalianus, a soldier in the *auxilium palatinum* of the Heruli, was to all appearances a Roman (Amm. xxv. x. 9), and so was Vetrano, commander of the *legio comitatensis* of the Tzanni (Amm. xxv. i. 19). FRAOMARIUS: Amm. xxix. iv. 7. THE GOTHs: Amm. xxxi. xvi. 8.

28. Amm. xiv. x. 8 (Latinus, etc.), xvi. xii. 2 (the deserter), xxxi. x. 3 (the Lentiensis), xxix. iv. 7 (Hortarius).

29. Jerome, *V. Hilar.* 22, Amm. xviii. ii. 2.

30. Amm. xv. v. 16.

31. *P. Beatty Panop.* 2 gives the following figures for *annona*, *stipendium*, *salgammum* and *donativa* for the birthday (22 Dec. 299) and *dies imperii* (20 Nov. 299) of Diocletian and for the third consulate of Constantius and Maximian (1 Jan. 300). I have added in the last two columns hypothetical analyses of the figures. It should be noted that the papyrus covers only payments made from 1 Feb. to 27 Feb. 300; other donatives and other instalments of *stipendium* and *annona* and *salgammum* were doubtless paid during the rest of the year.

<i>Lines</i>	<i>Unit</i>	<i>Nature of payment</i>	<i>Amount of payment</i>	<i>Number of recipients</i>	<i>Rate of payment</i>
A 36 ff.	ala I Iberorum	<i>stipendium</i> , 1 Jan. 300	73,500 den.	367½	× 200
B "	"	<i>annona</i> , 1 Sept.-31 Dec. 299	23,600 den.	354	× 66⅔
C 57 ff.	legio III Diocletiana	<i>stipendium</i> , 1 Jan. 300	343,300 den.	1,716½	× 200
D 161 ff.	equites sagittarii	<i>donativum</i> , 20 Nov. 299	302,500 den.	242	× 1,250
E "	"	<i>donativum</i> , 22 Dec. 299	302,500 den.	242	× 1,250
F 168 ff.	ala II Herculia dromedariorum	<i>donativum</i> , 20 Nov. 299	53,750 den.	211	× 250
G "	"	<i>donativum</i> , 22 Dec. 299	53,750 den.	211	× 250
H 180 ff.	vexillatio of legio II Traiana	<i>donativum</i> , 20 Nov. 299	1,386,250 den.	1,109	× 1,250
I 186 ff.	vexillatio of various Eastern legions	<i>donativum</i> , 20 Nov. 299	2,496,250 den.	1,981	× 1,250
J 192 ff.	"	<i>donativum</i> , 22 Dec. 299	2,496,250 den.	1,981	× 1,250

<i>Lines</i>	<i>Unit</i>	<i>Nature of payment</i>	<i>Amount of payment</i>	<i>Number of recipients</i>	<i>Rate of payment</i>
K 197 ff.	praepositus of equites promoti of legio II Traiana	<i>stipendium</i> , 1 Jan. 300	18,000 den.	1	× 18,000
L		<i>donativum</i> , 20 Nov. 299	2,500 den.	1	× 2,500
M „		<i>donativum</i> , 22 Dec. 299	2,500 den.	1	× 2,500
N 204 ff.	equites promoti of legio II Traiana	<i>donativum</i> , 1 Jan. 300	93,12 < 5 > den.	149	× 625
O 245 ff.	vexillatio of legio III Diocletiana	<i>salgamm</i> , 1 Sept.–31 Dec. 299	8,280 lb. oil and sext. salt.	1,035	× 8 per month
P 259 ff.	lanciarrii of legio II Traiana	<i>donativum</i> , 20 Nov. 299	1,097,500 den.	878	× 1,250
Q „	„	<i>donativum</i> , 22 Dec. 299	1,097,500 den.	878	× 1,250
R 266 ff.		<i>donativum</i> , 1 Jan. 300	526,875 den.	843	× 625
S 285 ff.	„	<i>salgamm</i> , 1 Nov. and 31 Dec.	3,596 lb. oil and sext. salt.	899	× 4 per month
T 291 ff.	cohors XI Chamavorum	<i>stipendium</i> , 1 Jan. 300	65,500 den.	524	× 125
U	„	<i>annona</i> , 1 Sept.–31 Dec. 299	32,866 den.	493	× 66⅔

An analysis of P–S and A–B and T–U shows that in the same regiment the number of recipients varied according to the type of payment, and perhaps to the period in which it was made. There might be more or less men on strength in different accounting periods (probably of four months). Some payments (perhaps *annona* and *salgamm*) might be made to all at a uniform rate per head. In others (certainly *stipendium* and probably *donativum*) N.C.O.s received multiple payments ( $1\frac{1}{2}$  or 2 or more times as much as privates). It is also possible that some payments, e.g. *donativa*, were made only to men who had served some probationary period. Owing to these variables it is difficult to extract any certain rates of payment from the figures.

Donatives are the simplest. An officer received 2,500 denarii for the birthday or accession day of an Augustus (L, M). On the same occasions ordinary soldiers in legions and vexillations evidently received 1,250 denarii, for 1,250 is the highest common factor of D–E, H–J, P–Q, and the resulting strengths are in themselves plausible, and some of them prime numbers. A comparison of P–Q and R shows that the donative for the consulates of Caesars was half this rate, 625, and N, yielding a prime number, confirms this. F–G shows that *alae* (and cohorts) received a much lower donative; 250 is the only plausible figure, and this for a major occasion when front line troops got 1,250. Since 299 was not a quinquennial year the accession and birthday donatives must have been annual; the consular donatives would of course be occasional.

For *annona* the key is U, where the odd figure 32,866 can hardly represent anything but 493 men at 66⅔ denarii for the four monthly period, i.e. 200 denarii a year; the same rate is plausible in B. *Stipendium* was probably paid in three instalments as under the Principate (cf. *P. Oxy.* 1047, recording the payment to an officer of a *stipendium* of 36,000 denarii on 1 Sept. together with a donative of 2,500 denarii on 25 July for Constantine's *dies imperii*). A comparison of A–B and T–U suggests that *cohortales* received about twice as much in *stipendium* as in *annona*, and *alares* (being cavalrymen they were better paid) about three times as much: rates of 125 (i.e. 375 a year) for *cohortales* and 200 (i.e. 600 a year)



for *alares* yield plausible strengths. For the *stipendium* of legionaries C appears to be decisive: any higher rate than 200 (600 a year) involves fractions less than a half, and so far as we know the half *stipendium* (for a *sesquiplicarius*) was the lowest fraction used.

32. *Ed. Diocl.* pr. PAY UNDER JULIAN: Amm. xx. viii. 8, cuius iracundiae nec dignitatum augmenta nec annum merentis stipendium id quoque inopinum accessit, quod ad partes orbis eoi postremas venire iussi homines adsueti glacialibus terris, separandique liberis et coniugibus egentes trahebantur et nudi; cf. xvii. ix. 6, et erat ratio iusta querellarum. inter tot enim rerum probabilitium cursus articulosque necessitatum ancipites sudoribus Gallicanis miles exhaustus nec donativum meruit nec stipendium iam inde ut Iulianus illo est missus, ea re quod nec ipsi quod daret suppetere poterat usquam nec Constantius erogari more solito permittebat; Greg. Naz. *Or.* iv. 82-4 (he speaks of gold, but this would be on the special occasions). The gold *stipendium* which Silvanus paid out in 355 in Constantius's name (Amm. xv. vi. 3) must have been a delayed tricennial donative of 353, and the gold *stipendium* which Valens was about to pay in 365 (Amm. xxvi. viii. 6) must likewise have been a delayed accession donative. A more doubtful case is the *stipendium* or *donativum* which Valentinian paid to the African troops (Amm. xxviii. vi. 12, 17, 19); equally ambiguous are Ursulus's and Mamertinus's remarks (see n. 34). It is hard to prove that *stipendium* was not paid at any date, but certainly by Justinian's time pay was reckoned exclusively in *annonae* and *capitus* (e.g. in *CJ* i. xxvii. 1 and 2, 534).

33. ACCESSION DONATIVE: Amm. xx. iv. 18, Const. Porph. *Cer.* i. 91-4, Joh. Eph. *HE* iii. 11. QUINQUENNIAL DONATIVE: Zach. Myt. *Chron.* vii. 8, Proc. *HA* xxiv. 27-9.

34. URSULUS: Amm. xx. xi. 5. MAMERTINUS: Pan. Lat. iii. 1. VENUSTUS: Amm. xxvi. viii. 6. PALLADIUS: xxviii. vi. 12. In Syn. *Ep.* 18, a decurion of Alexandria brings *χρυσὸν ὡς ἑμᾶς* (i.e. to Pentapolis) *νομὴν στρατιώταις*.

35. These garments are often mentioned in records of the clothing levy, e.g. *P. Cairo Isid.* 54, *P. Oxy.* 1424, 1448, 1905, *P. Lips.* 59, 60, PRG v. 61, also in *Ed. Diocl.* xix. 1, 2, xxv. 28-30. For the responsibility of the *largitiones* see ch. XIII, n. 56. BOOTS: *PSI* 886 (levy), *CTh* xii. i. 37, 344 (calcarenses). COMMUTATION: *CTh* vii. vi. 4, 396, 5, 423. RECRUITS' CLOTHING MONEY: *CTh* vii. xiii. 7 §2, 375, cf. *P. Lips.* 34V and 34-5.

36. See pp. 834-6.

37. For the *tribunus (comes) stabuli* see ch. XII, n. 16. STRATOIRES: *CTh* vi. xxxi. 1, 365, viii. viii. 4, 386, Amm. xxix. iii. 3, cf. xxx. v. 19 for a *strator* serving as an imperial groom under the *tribunus stabuli*. In the reign of Maurice Longinus *v.c.* *strator* carried an imperial decree to Italy (Greg. *Ep.* iii. 61), and another *strator* was cured by Theodore of Syceon (*V. Theod. Syc.* 129). *Stratoires* apparently held the usual noncommissioned grades (*CIL* v. 374, cent. stabuli dm., 1880, ducenarius princeps stabuli dominici). COMMUTATION: *CTh* xi. xvii. 1, 367, xi. i. 29 and xvii. 2 and 3, 401; commutation had already begun under Constantius II (Pan. Lat. iii. 9, ipso enim tempore levati equorum pretiis enormibus Dalmatae). The levy of horses is also mentioned in *CTh* xi. ix. 1, 323, xiii. v. 14, 371, xi. xvi. 12, 380. Horses were also obtained by special levies on *honorati*, *CTh* vi. xxxv. 2, 319 (S), xiii. iii. 2, 320 (S), vii. xxiii. 1, 369, xiii. v. 15, 379, vi. xxvi. 3, 382, 15, 410, vi. xxvi. 14 and xi. xviii. 1, 412, vi. xxiii. 2, 423.

38. For collection of *annona* see pp. 456 ff. *Actuarii* and *optiones* are often coupled together, e.g. *CTh* VII. iv. 24, 398, *Marc. Nov.* ii §3, 450, *CJ* x. xxii. 3, 456. From *CTh* VII. iv. 1, *subscribendario et optione*, it appears that *subscribendarius* was equivalent to *actuaris*, and from *CJ* I. xlii. 2, τοῦ ἀκτοναρίου καὶ τῶν ὀπιούνων, XII. xxxvii. 19 pr. §4, ὑπομνηματοφύλακων καὶ ὀπιούνων, that actuaries and ὑπομνηματοφύλακες were identical. In *CTh* VIII. i. 3, 333, the *actuaris* is graded above the *annonarius*, who is probably equivalent to the *optio*. STATUS AND PAY OF ACTUARIES: *CTh* VIII. i. 3, 333, 5, 357, 10, 365; from XII. i. 125, 392, submoto privilegio militari, quo sibi actuarii blandiuntur, eum, qui evidenter ostenditur curiali patre genitus, mox necessariis atque origini suae debitis functionibus mancipari praecipimus, it would appear that *actuarii* were still not recognised as military personnel in 392, and this rule was confirmed in *CJ* XII. xlix. 9 (472-3).

39. DELIVERY OF ANNONA: *CTh* VII. iv. 15, 369, sicut fieri per omnes limites salubri prospectione praecipimus, species annonarias <in> vicinioribus limitibus <um part>ibus a provincialibus ordinabis ad castra conferri. et in <ulterioribus> castris constituti milites duas alimontiarum partes ibidem de conditis sumant nec amplius quam tertiam partem ipsi vehere cogantur: this appears to be the sense of this corrupt law. Cf. *P. Abinn.* 26, οὕτως γὰρ ἐκέλευσεν ὁ κύριός μου ὁ δοῦξ ὅλας τὰς ἀννόνας τοῦ ἐνιαυτοῦ ἐγκλίσαι ἐπὶ τὰ κάστρα ἐξ ἐντυχίας τῶν ἀκτοναρίων τῆς ἅνω Θηβαίδος, καὶ ἐκέλευσεν μετὰ τὴν σύγκλεισιν τοῦ σίτου ὀφρ' ἀποσταλῆναι καὶ συνθεωρῆσαι τὸν ἐν ἀθέτῳ σιτόκριθον (letter to Abinnaeus from his actuary; the rest of the letter is concerned with making the *exactor civitatis* and other curial officials complete their deliveries). DISTRIBUTION OF ANNONA: *CTh* VII. iv. 11, 364, susceptor antequam diurnum pittacium authenticum ab actuariis susceperit, non erogat. quod si absque pittacio facta fuerit erogatio, id quod expensum est damnis eius potius subputetur . . . nec prius de horreis species proferantur et maxime capitacionis, quam, ut dictum est, ad diem pittacia authentica fuerint prorogata; 13, 365, actuarii per singulos vel ut multum binos dies authentica pittacia prorogent, ut hoc modo inmissis pittacii species capitum annonarumve ex horreis proferantur. quod nisi fuerit custoditum, actuarius et susceptor, sed et officium iudicantis, quod non insisterit huic iussioni, statutae obnoxium tenebitur; 17, 377, fortissimi ac devotissimi milites, familiae quoque, sed et ceteri quibuscumque praediti dignitatibus annonas et capitum singulis diebus aut certe competenti tempore, id est priusquam annus elabatur, de horreis consequantur, aut si perceptionem suam ac si debitam studio voluerint protelare, id, quod competenti tempore minime perceperint, fisci nostri commodis vindicetur. Cf. 16, 368, which seems to give actuaries 30 days grace to issue overdue *pittacia*. PRAEPOSITI HORREORUM: *CTh* VII. iv. 1, 325, XII. i. 49, 361, vi. 5 and 8, 365, 24, 397, 33, 430. For *primipili* see p. 459.

40. RATIONS DRAWN FROM GRANARIES: *CTh* VIII. iv. 17, 385 (S), cum ante placuisset, ut a primipilaribus secundum dispositionem divi Gratiani species horreis erogandae comitatensibus militibus ex more deferrentur; cf. VIII. i. 10, 365 (actuaries of *palatini*, *comitatenses* and *pseudocomitatenses* draw their own rations *ex horreorum conditis*) and VII. iv. 5, 360 (S) (*expeditionalis annona* is drawn *ex horreis*). DELEGATORIAE AND OPINATORES: *CTh* VII. iv. 20, 393, nulli militarium pro his annonis quae in provinciis delegantur, repudiata ad tempus specierum copia et inopia occasione captata pretia liceat postulare; 22, 396, neque scholae neque vexillationes comitatenses aut palatinae neque legiones ullae neque auxilia, qualeslibet ad provincias delegatorias de specierum praebitione pertulerint, audiantur, si pretia poscant ultra ea, quae generali lege divi patris senioris Valentiniani constituta sunt; v. 1, 399, opinatores, quibus species in diversis

provinciis delegantur, ut pretium maiore taxatione deposcant, contra omnem consuetudinem nullis consistentibus familiis excoctionem panis efflagitant; xi. vii. 16, 401, missi opinatores cum delegatoriis iudicibus eorumque officiis insistant, ut intra anni metas id quod debetur accipiant; nihil his sit cum possessore commune, cui non militem, sed exactorem, si sit obnoxius, convenit imminere; vii. iv. 26, 401, opinatoribus nullum sit cum provinciali commercium, ita ut a iudicibus vel officio provinciali omnis summa debiti postuletur intra anni spatium conferenda; xi. i. 34 and xii. i. 186, 429. *Opinatores* are frequently mentioned as receiving *stipendium*, *annona*, etc., for their units in *P. Beatty Panop.* 2, lines 41, 166, 174, 184, 190, etc.; also in *P. Oxy.* 2114, Aug. *Ep.* 268, and *CTh* vii. iv. 34, 414.

41. PRAETORIAN PREFECTS: *Amm.* xiv. x. 3–4 (354), xvii. viii. 1 (358), xviii. ii. 3–4 (359). DEPUTY PRAETORIAN PREFECTS: *CJ* xii. viii. 2 §4, 441, cur enim aut vir magnificus Germanus magister militum vacans appellatur, cui bellum contra hostes mandavimus? aut cur excellentissimus Pentadius non egisse dicitur praefecturam, cuius illustribus cincti dispositionibus vice praetorianae praefecturae miles in expeditione copia comaeatuum abundavit. Cf. *Proc. BP* i. viii. 5, χορηγός δὲ τῆς τοῦ στρατοπέδου δαπάνης Ἀπίων Αἰγύπτιος ἐστάλη, Theophanes, A.M. 5997, ὑπαρχος τότε τοῦ στρατεύματος ὦν καὶ τῆς δαπάνης καὶ τῆς ἐποφίας πάντων προσεσηκώς (he is wrongly styled *Ppo Or.* in Malalas, 398), *Proc. BV* i. xi. 17, Ἀρχέλαος, ἀνὴρ ἐς πατρικίους τελῶν, ἥδη μὲν τῆς ἀλλῆς ἑπαρχος ἐν τε Βυζαντίῳ καὶ Ἰλλυριοῖς γεγωνώς, τότε δὲ τοῦ στρατοπέδου καταστάς ἑπαρχος. οὕτω γὰρ ὁ τῆς δαπάνης χορηγός ὀνομάζεται.

42. *CTh* vii. iv. 24, 398, viii. i. 14, 398, 15, 415.

43. Aur. Victor, *Caes.* xxxiii. 13, genus hominum praesertim hac tempestate nequam, venale, callidum, seditiosum, habendi cupidum atque ad patrandas fraudes velandasque quasi ab natura factum, annonae dominans eoque utilia curantibus et fortunis aratorum infestum, prudens in tempore his largiendi quorum vecordia damnoque opes contraxerit. POPULARITY OF ACTUARIES: *Amm.* xx. v. 9, xxv. x. 7.

44. EXPEDITIONALIS ANNONA: *Amm.* xvii. viii. 2, *CTh* vii. iv. 4, 361 (S), 5, 360 (S), 6, 360. NEW WINE: *CTh* vii. iv. 25 (= *CJ* xii. xxxvii. 10), 398. Wheat, meat and wine are tariffed as constituents of *annona* in Val. iii, *Nov.* xiii §4, 445. Oil is recorded in the Theodosian Code only in viii. iv. 17, 385 (S), as a constituent (with meat and salt) of *primipilares species*. The ration scales may be tabulated as follows:

<i>P. Oxy.</i> 2046	<i>Bread</i>	<i>Meat</i>	<i>Wine</i>	<i>Oil</i>	<i>Wood</i>
(a) <i>Bucellarii</i> (26)	3 lb.	1 lb.	1 sest.	$\frac{1}{10}$ sest.	2 lb.
(b) <i>Scythae</i> (14)	3 lb.	2 lb.	2 sest.	$\frac{1}{8}$ sest.	2 lb.
(c) Tribune's men (4)	3 lb.	2 lb.	2 sest.	$\frac{1}{8}$ sest.	—
(d) <i>Bucellarii</i> and <i>Scythae</i> (13)	3 lb.	2 lb.	2 sest.	$\frac{1}{8}$ sest.	—
<i>P. Oxy.</i> 1920					
(e) <i>Scythae</i> (41 $\frac{5}{8}$ )	4 lb.	1 lb.	2 sest.	$\frac{1}{8}$ sest.	100 lb. for all
(f) <i>σύμμαχοι</i> (58)	3 lb.	$\frac{1}{2}$ lb.	1 sest.	$\frac{1}{10}$ sest.	200 lb. for all

The *bucellarii* (see pp. 666–7) and *σύμμαχοι* (i.e. messengers, cf. Liberatus, *Brev.* 23, per portitores literarum velocissimos quos Aegyptii symmachos vocant) were not regular soldiers. In the second part of *P. Oxy.* 2046, 54 *annonae* and 50 *capitus* and 34 *annonae* and 27 *capitus* are equated with rations on scale (b) for

54 and 34 men, and fodder for 50 and 27 horses on the scale of  $\frac{1}{10}$  *artaba* of barley and  $\frac{1}{8}$  load of hay for each horse. *P. Oxy.* 2013-4 confirms the scale of 1 lb. meat a day for soldiers. *P. Oxy.* 2196 gives a ration—it is not clear for whom—as at (b) and (d) above.

45. *CTh* XI. xvi. 15, 382, 18, 390 (cura conficiendi pollinis, panis excoctio, pistrini obsequium), VII. v. 1, 399 (excoctio panis), 2, 404 (excoctio bucellati), *Josh. Styl.* 54, 70, 77.

46. CAPITUS DRAWN FROM HORREA: *CTh* VII. iv. 13, 365, 17, 377. This must have been barley, recorded in *P. Beatty Panop.* 1, lines 392 ff., as being delivered to an *ala*. HAY AND CHAFF: *CTh* VII. iv. 9, 364, e vicensimo non amplius lapide milites sibi iubemus paleas convectare, cf. laws 7, 362, and 23, 396; we find curial collectors of chaff in Egypt, e.g. *Chr.* I. 419, οὐ θέλομεν γὰρ ἄχρον, μήπως μὴ λήμωθῃ καὶ ἀναγκάσθωμεν τὴν τιμὴν διαγράψαι, 422 (receipts from a *διοδότης* to an *ἐπιμελητής* for wine, meat and chaff). NO FODDER UNTIL AUGUST: *CTh* VII. iv. 8, 362, militibus ad kalendas Augustas capitatio denegetur, ex kalendis Augustis praebeatur. PASTURE: *Th.* II, *Nov.* xxiv §4, 443, agros etiam limitaneos universis cum paludibus, *CTh* VII. vii. 3, 398, 4 and 5, 415.

47. PRIMIPILI: *CTh* VIII. iv. 6, 358, 17, 385 (S), 19, 396. LIMITANEI: *CTh* VII. iv. 14, 365, riparienses milites mensibus novem in ipsa specie consequantur annonam, pro tribus pretia percipiant, cf. law 22 for the prices 'quae generali lege divi patris senioris Valentiniani constituta sunt'.

48. COMITATENSES IN THE EAST: *CTh* VII. iv. 18 and 20, 393, 21, 396, 28, 406; the last two laws do not specifically mention *comitatenses* but probably refer to them. LIMITANEI OF PALESTINE: *CTh* VII. iv. 30, 409. For rates of commutation p. 461.

49. COMITATENSES IN THE WEST: *CTh* VII. iv. 22, 396, cf. v. 1, 399. OPINATORES COLLECT GOLD: *CTh* XI. i. 34, 429, *Aug. Ep.* 268. ANNONA AND CAPITUS IN AFRICA: *Val.* III, *Nov.* xiii §§3-4, 445, has autem militares annonae cum provinciales pro longinqui difficultate itineris in adaeratione persolverint, unius annonae adaeratio quattuor per annum solidis aestimetur. ne vero necessitatis occasione in expeditione militi constituto carioris cuiquam vendere liceat, pretia necessarium rerum sub hoc modo, quo annonam adaeravimus, iubemus inferri: id est tritici ad singulos solidos Italicos modios quadraginta et carnis pondo ducenta septuaginta, vini sextarios Italicos ducentos.

50. FAMILIES: *CTh* VII. i. 3, 349, quicumque militum ex nostra auctoritate familias suas ad se venire meruerint, non amplius quam coniugia, liberos, servos etiam de peculio castrensi emptos neque adscriptos censibus ad eosdem excellentia tua dirigi faciat. RATIONS FOR FAMILIES: *CTh* VII. i. 11, 392, ii, qui inter ad crescentes matriculis adtinentur, tamdiu alimoniam a parentibus sumant, quoad gerendis armis idonei fuerint aestimati, ita ut cesset super eorum nomine praebitio fiscalis annonae; iv. 17, 377, fortissimi ac devotissimi milites, familiae quoque, sed et ceteri quibuscumque praediti dignitatibus annonae et capitum singulis diebus aut certe competenti tempore, id est priusquam annus elabatur, de horreis consequantur; *Lib. Or.* II. 39; *CTh* VII. iv. 28, 406, 31, 409. A law addressed to Stilicho in 399 (*CTh* VII. v. 1) seems to imply that *familiae* received rations in the West also.

51. The forts of the *limitanei* are depicted in the illustrations to the chapters of *comites rei militaris* and *duces* in the *Notitia* and the ruins of many still survive. *Limitanei* are associated with *castra* in *Th.* II, *Nov.* xxiv §§1-2, 443, *CJ* I. xxvii.

2 §8, 534, and are sometimes called *castellani* (CTb VII. xv. 2, 423) or *castrenses* (CTb XVI. v. 65 §3, 428, SEG IX. 356 §§11, 14). For the *comitatenses* see Zos. II. 34. EXEMPTIONS FROM BILLETING: CTb VII. viii. 8, 400 (*fabricenses*), XIII. iii. 3, 333, 10, 370, 16, 414, 18, 427 (doctors and teachers), iv. 4, 374 (painters), XVI. ii. 8, 343 (clergy); shops are excluded by CTb VII. viii. 5 §1, 398, CJ XII. xl. 10 §6 (450-55); also synagogues by CTb VII. viii. 2, 368; Josh. Styl. 86 shows that inns were liable. The aristocracy also enjoyed exemptions in Constantinople (CTb VII. viii. 16, 435, CJ XII. xl. 10, 450-5). RULE FOR DIVISION: CTb VII. viii. 5, 398. SALGAMUM: CTb VII. ix. 1, 340, 2, 361, 3, 393, 4, 416; cf. Malalas, 437, (Justinian) ἐδωρήσατο τὸ Γοτθικὸν ξυλλέλαιον, κομφίσας τοὺς ὑποτελεῖς ἐκ τοῦ βάρους. Why the 'soldier's wood and oil' should have been called *salgumum* (literally 'pickles') is obscure; the word is used in Diocletian's time (P. Beatty Panop. 2. lines 245 ff., 285 ff.) to denote a regular issue of oil and salt to troops. CENATICUM: CTb VII. iv. 12, 364. BATHS: CTb VII. xi. 1, 406, 2, 417.

52. Josh. Styl. 86, 93-6.

53. F. C. Burkitt, *Euphemia and the Goth*, 129-153. The soldier is called a Goth, but 'Goth' is the usual Syriac colloquialism for a soldier. The historical details in §4 are correct and the story rings true.

54. Syn. Ep. 129.

55. SURGEONS: Amm. XVI. vi. 2, Dorus quidam ex medico scutariorum. CHAPLAINS: Cyr. Scyth. V. Sabae, 9, Theod. Ep. (Azema) 2, cf. Soz. I. 8, Eus. V. Const. IV. 18-19 and Pelagius I (PL LXIX. 416). See my article in *Harvard Theol. Rev.* XLVI (1953), 249 ff. P. Nessana, 35, records the ἐκκλησία τοῦ καστρου and its priest.

56. LEAVE: CTb VII. xii. 1, 323, i. 2, 353 (for the date see *Historia* IV (1955), 232-3). For corrupt grant of leave see n. 86.

57. GRAFT IN PROMOTION: P. Abinn. 59. TIRONES: Anon. *de rebus bell.*, v. 5, scilicet ut centeni aut quinquageni iuniores, extra hos qui in matriculis continentur, habeantur in promptu armis exerciti et minori utpote tirones stipendio sublevati, in locum amissorum si res ita tulerit subrogandi: *tiro* is also recognised as a grade by Jerome (see below). SEMISSALIS: ILS 2800, P. Amb. 148, CJ I. xxvii. 2 §§22-34, 534. NON-COMMISSIONED GRADES (OLD UNITS): P. Beatty Panop. 2, 60, 174, 183, 190, 195, 206, 264, 269, 289 (centurions), 41 (decurions), ILS 9206, centurionis legionis secunde Flavie Virtutis, cf. n. 127 for sixth century evidence. NON-COMMISSIONED GRADES (NEW UNITS): Jerome, *c. Job. Hierosol.* 19, finge aliquem tribuniciae potestatis suo vitio regradatum per singula militiae equestris officia ad tironis vocabulum devolutum. numquid ex tribuno statim fit tiro? non, sed ante primicerius, deinde senator, ducenarius, centenarius, biarchus, circitor, eques, deinde tiro. The grades from *ducenarius* to *eques* are found in the *agentes in rebus* (CJ XII. xx. 3 (457-70)), those of *primicerius*, *ducenarius*, *centenarius*, *biarchus*, *circitor* (and *semissalis*) in the military offices of Africa (CJ I. xxvii. 2 §§22-34, 534). From the *scholae* we have *primicerius* (ILS 9213, CJ XII. xxix. 2, 474), *senator*, *ducenarius*, *centenarius* (Th. II, Nov. xxi, 441, ILS 8883, CIL III. 14188, VI. 32948, AE 1891, 104) and *biarchus* (CIL VI. 32949). These grades are also found among the *stratores* (see n. 37) and in the *fabricae* (see ch. XXI, n. 26). Otherwise they occur only, so far as I have traced them, in *vehillationes* and *auxilia* (I have omitted units whose classification is unknown):

<i>P. Ital.</i> 16, <i>ILS</i> 2806	primicerius	Felices Theodosiani	aux.
<i>ILS</i> 9481a	"	Mattiaci Sen.	aux.
<i>P. Abinn.</i> 42	"	unnamed	vex.
<i>ILS</i> 2796	senator	Heruli	aux.
<i>ILS</i> 2804	"	Equites Bracchiati	vex.
<i>BGU</i> 316	"	Constantiaci	aux.
<i>ILS</i> 2797	ducenarius	Batavi Sen.	aux. or vex.
<i>P. Abinn.</i> 42	"	unnamed	vex.
<i>CIL</i> III. 14704	"	unnamed	vex.
<i>ILS</i> 2798	centenarius	Bracchiati	aux. or vex.
<i>CIL</i> v. 8745	"	Ebores	aux.
<i>CIL</i> v. 8758	"	Comites Sen.	vex.
		Sagittarii	
<i>CIL</i> III. 14406a	"	Cataphractarii	vex.
<i>AE</i> 1891, 106	"	"	vex.
<i>CIL</i> XIII. 1848	"	" Sen.	vex.
<i>AE</i> 1912, 44	"	Sagittarii	vex.
<i>SPP</i> xx. 139, <i>Sb</i> 4753	"	Leontoclibanarii	vex.
<i>P. Würtz.</i> 17	biarchus	Equites Clibanarii	vex.
<i>BGU</i> 316	"	Cataphractarii	vex.
<i>ILS</i> 2805	"	VIII Dalmatae	vex.
<i>ILS</i> 2799	"	Batavi Sen.	aux. or vex.
<i>ILS</i> 2804	"	Bracchiati	vex.
<i>CIL</i> v. 8755	"	Leones Sen.	aux.
<i>AE</i> 1946, 42	"	Scutarii	vex.
<i>ILS</i> 9209	circitor	Cataphractarii	vex.
<i>AE</i> 1912, 192	"	"	vex.
<i>CIL</i> v. 6784	"	"	vex.
<i>AE</i> 1919, 18	"	XII Cataphractarii	vex.
<i>CIL</i> XIII. 3457	"	Dalmatae	vex.
<i>CIL</i> XIII. 7298, <i>AE</i> 1882, 113-4	"	Catharenses	aux.(?)

The earliest record of a *circitor* is in 326 (*CTh* VII. xxii. 2); the earliest *biarchus* is perhaps 'Val. Victorinus biarcus qui militavit in sacro palatio . . . qui in proelio Romanorum Calcedonia contra avversarios decessit', presumably in 324 (*AE* 1922, 72). CAMPIDOCTOR: *Veg.* I. 13, II. 23 (duties), *Amm.* xv. iii. 10, XIX. vi. 12, *Pall. Dial.* p. 13, *ILS* 2803, *CIL* VIII. 4354, *P. Lond.* 113. 5(a), *MAMA* I. 168, *Const. Porph. Cer.* I. 91-3. DRACONARIUS: *Amm.* xx. iv. 18, *Veg.* I. 20, II. 7, 13, *ILS* 2805, *CIL* III. 1433<sup>2</sup>, *P. Lond.* 113. 1, *MAMA* I. 218, *SPP* xx. 135, *Joh. Moschus*, 20.

58. RATES OF PAY: *CJ* I. xxvii. 2 §§22-34, 534; it seems likely that the *numerarius* in these lists ranked as *senator*. For a *circitor's* earlier scale see *CTh* VII. xxii. 2, 326. SLOW PROMOTION: *Anon. de rebus bell.* v. 2-3, *militaris ordo, stipendiis aliquot peractis, ubi ad quinque vel eo amplius annonarum emolumenta pervenerit, ne haec diutius percipiens rempublicam gravet, honesta missione donatus vacans sibi otio gaudeat absolutus. in cuius locum posterior succedens totum numerum per certa temporum spatia expensis gravissimis relevabit. quod si numerosior miles de sequentibus scholis in decedentium locum vocatur, hic quoque pari liberalitate alio donatus abscedat, vel ad alium ordinem cui miles deest locum suppleturus accedat. quae res non solum expensis gravidam rem-*

publicam recreabit, sed etiam curas imperatoriae provisionis imminuet. animabit etiam plures ad militiam, quos ab ea stipendiorum tarditas prohibebat.

59. TRANSFERS FORBIDDEN: *CTh* VII. i. 18, 400. TESTIMONIALES EX PROTECTORIBUS: *CTh* VII. xx. 5, 328, veterani protectoria dignitate cumulati aut qui honores varios pro meritis suis consecuti sunt; in law 8, 364, the veteran 'qui ex protectore dimissus erit' is contrasted with those 'qui honestas missiones sive causarias consequuntur'; cf. also XIII. i. 14, 385; their abuse is forbidden in *CTh* VII. xxi. 1, 320 (S), VIII. vii. 2, 353 (S), 3, 352 (S), VII. xx. 12, 400, xxi. 4, 408.

60. DISCHARGE: *FIR* I<sup>2</sup>. 93, *CTh* VII. xx. 4, 325. Memorius (*ILS* 2788) served 42 years, 28 of them in the ranks; Derdius (*ILS* 2789) served 40 years, retiring *ex tribuno*; Sindia (*ILS* 2796) died as *senator* at 60, and Adabrandus (*ILS* 9213) at the same age as *primicerius*.

61. CAUSARIA MISSIO: *CTh* VII. xx. 4, 325.

62. POLL-TAX: *FIR* I<sup>2</sup>. 93, *CTh* VII. xx. 4, 325. MARKET DUES, ETC.: *CTh* VII. xx. 2, 326 (S), XIII. i. 2, 360, VII. xx. 9, 366, XIII. i. 7, 369, 14, 385. CURIA: *CTh* VII. xx. 2, 326 (S), cf. *Dig.* XLIX. xviii. 2, 5 §2.

63. ALLOTMENTS AND BONUSES: *CTh* VII. xx. 3, 325 (S), 8, 364; in law 11, 386 (S), a general licence is given to veterans to occupy waste lands. In Anon. *de rebus bell.* v. 4, it is assumed that the land will be in the frontier provinces.

64. For the origins of the *protectores* see p. 53. The title *domesticus* is first certainly attested in 354 by Ammianus (xiv. x. 2) and in 357 by *CTh* XII. i. 38, but is used by the author of *Vita Numeriani*, 13, and Aur. Victor, *Caes.* xxxix. 1, in describing Diocletian's rank before his accession. The use of the word is anachronistic no doubt, but if, as I believe, the *Historia Augusta* was written not later than Constantine's reign, *domestici* must have existed by then. Our authorities rarely draw any distinction between *protectores* and *protectores domestici*, often using the former term to denote the latter, but *CTh* VI. xxiv. 5, 392, and 6, 395, 8 and 9, 416, clearly show that they were two separate corps. That the *protectores* were commanded by the *magistri militum* is suggested by *CTh* VI. xxiv. 5, 392, and 6, 395; the former law about the *domestici* is addressed to Addaeus as *comes domesticorum*, the latter about the *protectores* to Addaeus as *mag. mil. (per Orientem)*. It is also suggested by *CTh* XII. i. 38, 357 (S), which deals with *curiales* who '*domesticorum seu protectorum se consortio copularunt, scholari etiam quidam nomen dederunt militiae aut palatinis sunt officiis adgregati*'. The *magistri militum*, *comes domesticorum* and *magister officiorum* (with the *CSL* and *castrensis*) are instructed to take action. The second was responsible for the *domestici* and the third for the *scholares*; the *magistri militum* can only be concerned with the *protectores*. That the *comites domesticorum* commanded the *domestici* only is proved by *Not. Dig. Or.* xv, *Occ.* xiii. *PRESENTALES AND DEPUTATI*: *CTh* VI. xxiv. 5, 392 (S), omnes, qui domesticorum iniuncti nomini numquam nostris obsequiis inhaeserunt neque certis quibusque officiis deputati publicas exsecuti sunt iussiones, protinus matriculis eximantur; cf. 1, 362, scias senum capitum domesticis per singulas quasque scholas, quinquagenis iussis in praesenti esse, iuxta morem debere praestari; *CJ* II. vii. 25 §3, 519, XII. xvii. 4 (527-34) (*praesentales*); *Not. Dig. Or.* xv, *Occ.* xiii (deputati). Ammianus Marcellinus was seconded to Ursicinus, *magister militum*, in 353 (xiv. ix. 1) and again in 355 and 356 (xv. v. 22, xvi. x. 21). *CTh* VI. xxiv. 9, 416, proves that the *protectores* (in the Eastern parts at any rate) were all on one roll with a single *primicerius*; cf. *Amm.* XVIII. iii. 5, ex *primicerio*

protectorum (but Ammianus does not always distinguish *protectores* and *domestici*). The same is proved of the *domestici* by Amm. xxv. v. 4, domesticorum ordinis primus (Jovian), xxvii. x. 16, domesticorum omnium primus (Valerian), and strongly implied by *CTh* vi. xxiv. 7. The *domestici* are spoken of as a single corps by Julian (*Ep.* 22, τῷ τῶν οἰκείων συντάγματι), and in Amm. xxvi. v. 3, *CTh* vi. xxiv. 3, 364, as a single *schola*. The term *schola* is, however, probably untechnical, for *CTh* vi. xxiv. 1 (cited above) proves that the *domestici* were in 362 divided into more than two *scholae*, and I take *AE* 1939, 45, protectori de scola seniore peditum, and *ILS* 9204, Fl. Concordius protector divinorum laterum et prepositus iuniorum, to refer to the *domestici protectores*; they are probably early inscriptions, before the title *domestici* had come in. By Justinian's time the *equites* and *pedites* were completely separate *scholae*, each with its own order of seniority (*CJ* xii. xvii. 2, 4, 5). *CTh* vi. xxiv. 8 + xxv. 1 shows that by 416 in the East there was more than one *schola* of the *domestici*, and that each had its *primicerius*. This law does not however make it clear whether the *decemprimi* were the ten seniors of the whole body of the *domestici* or of each *schola*, and law 10, 427, praeter primicerios protectorum domesticorum decem primi scholarum, clarifies this point. Law 11, 432, appears to speak of one *primicerius* and one body of *decemprimi*, but is probably to be interpreted, as in the Justinianic version (*CJ* xii. xvii. 2), 'utriusque scholae'. The duplication of the office of *comes domesticorum* is first mentioned in 409, when Attalus appointed Athaulf ἡγεμὼν τῶν ἱππέων δομειστικῶν καλουμένων (Soz. ix. 8), but as it is recorded in *Not. Dig. Or.* xv and *Occ.* xiii was probably already the established rule.

65. NUMBERS: *CTh* vi. xxiv. 1, 362 (cited in n. 64). SPECIAL DUTIES: *CTh* vii. xxii. 2, 326, xviii. 10, 400 (recruits), viii. v. 30, 368, vii. xvi. 3, 420 (traffic control), ix. xxvii. 3, 382, Amm. xiv. vii. 12, xv. iii. 10, xxix. iii. 8, v. 7, *Symm. Rel.* 36 (arrest and custody of prisoners), xviii. vii. 6 (defence of Euphrates), cf. xviii. vi. 21 (Ammianus is sent to obtain intelligence from the satrap of Corduene), xxvi. v. 14 (Masauccio sent with others by Valentinian to secure Africa).

66. Const. Porph. *Cer.* 1. 86, δομειστικοὶ δὲ καὶ προτίκτορες οὕτως. πάλαι μὲν ἀπὸ προσκυνήσεως μόνης ἦν ἡ στρατεία αὐτῶν. νῦν δὲ προβατωρεῖαν ποιεῖ ὁ δεσπότης, καὶ προσάγει αὐτὸν ὁ δηκουρίων ἀτραβατικὸν φοροῦντα χλανίδιν, ἢ ἐν κονισιστωρίῳ μετὰ τὸ πάντα παραθῆναι, ἢ ἀνιόντος αὐτοῦ εἰς τὸ ἱππικὸν ἵσταται ἐμπρὸς τοῦ δέλφακος, καὶ λέγει ἐπὶ μὲν τῶν προτικτόρων· «ἀδοράτορ προτέκτορ», ἐπὶ δὲ τῶν δομειστικῶν· «ἀδοράτορ προτέκτορ δομειστικόν». καὶ λαμβάνει τὴν προβατωρεῖαν παρὰ τοῦ δεσπότου, καὶ φιλεῖ τοὺς πόδας καὶ ἐξέρχεται, cf. *Not. Dig. Or.* xxxix. 37, xl. 38, xli. 41, xlii. 45 principem de eodem officio qui completa militia adorat protector, *CTh* vi. xxiv. 3, 364, viii. vii. 4 (326-54), 8, 365, 9, 366, 16, 385, vi. xxiv. 4, 387, x. xxii. 3, 390; for *testimoniales* see n. 59.

67. *ILS* 2781 (Thiumpus), 2777 (Baudio), 2783 (Marcus), cf. 2788 (Memorius); Amm. xxv. x. 9 (Vitalianus), xxx. vii. 2-3 (Gratian). Maximinus's rapid promotion is criticised by Lactantius, *Mort. Pers.* xix. 6, statim scutarius, continuo protector, mox tribunus, postridie Caesar. Cf. Paul. *Ep.* 25 §8, in hac militia soletis in votis habere hanc officii promotionem ut protectores efficiamini.

68. *P. Abinn.* 1.

69. Amm. xiv. x. 2 (Herculanus), xxv. v. 4 (Jovian), *ILS* 2813 (Hariulfus), cf.



Amm. xxvi. v. 13 (Masaucio, son of Cretio *comes Africae*) and xxvi. x. 1 (Marcellus a relative of Procopius), and Pall. *Hist. Laus.* liv (Paulus, the son of Innocentius, γενόμενος τῶν ἐπιδόξων τῶν ἐν τῷ παλατίῳ ἐν ταῖς ἀρχαῖς Κωνσταντίνου τοῦ βασιλέως, is now δομεστικὸν στρατευόμενον). CURIALES: *CTh* xii. i. 38, 357 (S), cf. vii. xxi. 2 (326-54), si quis de paganis vel decurionibus ambierit ad honores protectoriae dignitatis, nec tempus nec stipendia ei post hanc legem computanda sunt, and xii. i. 88, 382. OFFICIALS: *CTh* viii. vii. 9, 366, 16, 385. Besides the *cornicularii* of prefects (*CTh* viii. vii. 8, 365, 9, 366, cf. Symm. *Ep.* iii. 67), those of vicars were in 385 allowed to adore the purple (*CTh* viii. vii. 16); also the *principes* of the *duces* of Scythia, Dacia and Moesia I and II (see n. 66), and retired *primicerii* of *fabricae* (*CTh* x. xxii. 3, 390).

70. *CTh* vi. xxiv. 2+3, 364, domesticorum filios vel propinquos parvos vel inpuberes domesticorum coetibus adgregamus, ita ut non solum matriculis inserantur, verum etiam annonarum subsidiis locupletentur. quaternas etenim annonas eos, quos armis gestandis et procinctibus bellicis idoneos adhuc non esse constiterit, in sedibus iubemus adipisci his condicionibus, ut annonae, quae amplius insumuntur vel per tractorias deferuntur, recidantur. sicuti variis itineribus protectorum domesticorum schola comprehensos ad eam venire perspicimus, ita etiam sportularum diversa esse debet insumptio. grave enim admodum est viros post emensum laborem, qui nullius rei cupidiores solum quam gloriae, huiuscemodi erogationibus fatigari; eos tamen penitus solummodo inter quinos et denos solidos sportularum nomine primatibus distribuere praecipimus. eos autem, qui vel suffragio vel potentium gratia sacram purpuram adorare pervenerint, quinquagenos solidos volumus insumere.

71. *ILS* 2781 (Thiumpus), 2788 (Memorius), *P. Abinn.* 1 (Abinnaeus), Amm. xxx. vii. 2-3 (Gratian), xxv. x. 9 (Vitalianus, cf. Zos. iv. 34), xviii. ix. 3 (Aelianus), cf. xviii. iii. 5, Valentinus ex primicerio protectorum tribunus . . . ducis in Illyrico meruit potestatem. Teutomeres, a *domesticus* in 353 (Amm. xv. iii. 10), is probably the Tautomedes, *dux Daciae*, of *CTh* xv. i. 13. At an earlier date Constantius Chlorus was 'protector primum, exin tribunus, postea praeses Dalmatarum' (Anon. Val. 1). *Princeton Exp. Syria*, 213, records an ἐπαρχος ἀπὸ προτήκτορος, and *ILCV* 1574 a man who though he was enrolled in the *protectores* at the age of 18 and served 37 years died only *ex tribunis*. REGULAR PROMOTION OF PROTECTORES: Amm. xvi. x. 21, pro vectis e consortio nostro ad regendos milites natu maioribus, adulescentes eum sequi iubemur, quicquid pro re publica mandaverit impleturi.

72. ABSENTEES: *CTh* vi. xxiv. 5, 392 (S), 6, 395, Symm. *Ep.* ii. 74, Valentinianus protector dudum patrociniis culminis tui per me traditus adque commissus domesticis occupationibus adtinetur atque ideo magnopere poposcit obeundum sibi aliquod negotium per suburbanas provincias impetrari. quare, decus nostrum, familiari meo desideratum munus excude aut impetra commeatum, quo possit a militari nota sub hac impetratione defendi. Synesius complains of the slowness of promotion in the *domestici*, which was no doubt due to the inflation of the corps by absentees (*Ep.* 75, Θεοδόσιος ὁ βασιλέως ὑπασπιστὴς σύνοικος, ἔνεκα μὲν τοῦ χρόνου καὶ τῆς ἐν τῇ στρατείᾳ προσηδρίας, κὰν ἐπροστάτησε πάλαι· αἱ δὲ σπουδαὶ πλέον δύνανται τῶν ἐναντιῶν).

73. *CTh* vi. xxiv. 7, *PU Rom.*, 414, 8 and 9, *Ppo Or.*, 416, 10, *Ppo Or.*, 427, 11, *PU Const.*, 432.

74. *CJ* xii. xvii. 3 (c. 450). Proc. *HA* xxvi. 27-8; the 'domestici protectores equitum et peditum qui nostrae aulae videntur iugiter excubare', who complained

that their salaries were paid in short weight solidi (Cass. *Var.* i. 10) were presumably these pensioners.

75. For tribunes of the *scholae*, vexillations, legions and *auxilia* in the *comitatus* see Grosse, *Röm. Militärgeschichte*, 146-7, and for *praepositi*, op. cit. 143-5. The titles of the commanders in the *limitanei* are given in the Notitia. TRIBUNUS VACANS: Amm. xv. iii. 10, xvi. xii. 63, xviii. ii. 2, xxxi. xiii. 18, cf. xv. v. 22, xviii. vii. 6.

76. Lact. *Mort. Pers.* xviii. 10, erat tunc praesens iam pridem a Diocletiano factus tribunus ordinis primi. VALENTINIAN'S PROMOTION: Amm. xxv. x. 9, cf. xvi. xi. 6. For the promotion of tribunes of the *scholae* see ch. XII, n. 16.

77. *CTb* vi. xiii. 1, 413; cf. *A.C.Oec.* i. i. pars vii. 68, τῷ περιβλέπτῳ κόμητι καὶ πραιποσίτῳ Ἰακώβῳ τῆς τετάρτης σχολῆς (σκουταρίων). For ordinary tribunes see ch. XV, n. 12.

78. LATERCULUM MINUS: *CTb* i. viii. 1, 415, 2 and 3, 424; the units concerned are listed in *Not. Dig. Or.* xxviii, xxxi-xxxviii, xl, under the heading 'et quae de minore laterculo emittuntur'. The other commands were presumably issued from the *laterculum maius*, which appears among the insignia of the *primicerius notariorum* in both East and West. Only in the East, however (*Not. Dig. Or.* xviii. 5), is it stated that he 'scolas etiam et numeros tractat', and this implies that the Western *primicerius* had lost this function—to the *magister militum* (Paul. *V. Amb.* 43).

79. *P. Abinn.* i.

80. DECURIONS GET COMMISSIONS: *CTb* vii. xxi. 2 (326-54), *Lib. Or.* xlviii. 42, xlix. 19. PUSAЕUS: Amm. xxiv. i. 9. FRAOMARIUS: Amm. xxix. iv. 7. HERACLIUS: *ILS* 2786. CHEILAS: Syn. *Ep.* 110; cf. Zos. v. 9 (Bargus, the sausage seller).

81. LAW OF HONORIUS: *CTb* vii. xx. 13, 407 (S). Veg. ii. 7, tribunus maior per epistulam sacram imperatoris iudicio destinatur, minor tribunus pervenit ex labore. For *vicarii* see n. 158. MARCIAN: Evagr. ii. 1, Proc. *BV* i. iv. 2-7. CONON: Cyr. Scyth. *V. Sabae*, i, 9, 25.

82. SCHOLARES: *CTb* vii. iv. 34, 414, his scholaribus, quibus laborum intuitu regendos numeros dederimus, de aerariis annonis singulos solidos per opinatores, caballationis quoque rationem pro administrato tempore debitam, quando militibus erogatur, sine mora praebere oportet, vel, si quis eorum antequam accipiat in fata concesserit, quod ex utraque causa ei debebatur, heredibus eius restitui.

83. ARBETIO: Amm. xv. ii. 4, xvi. vi. 1, a gregario ad magnum militiae culmen evectus. MAURUS: Amm. xx. iv. 18, cf. xxxi. x. 21. For Gratian, Vitalianus and Memorius see n. 71, and for Abinnaeus *P. Abinn.* i. Other ranker officers are Laniogaesus (Amm. xv. v. 16, Laniogaeso vetante, tunc tribuno, quem dum militaret candidatus solum adfuisse morituro Constanti supra retulimus), and Claudius and Sallustius (Amm. xxix. iii. 7, ex Iovianorum numero adusque tribunatus dignitates progressos).

84. STIPENDIUM: *P. Beatty Panop.* 2, line 201, *P. Oxy.* 1047. ANNONAE AND CAPITUS: *CTb* vi. xxiv. 1, 362, 2, 364 (*domestici*), Val. iii, Nov. xiii §5, 445 (*dux*

of Mauretania), Just. *Ed.* xiii §18, *λήφεται δὲ καὶ αὐτὸς τὰς ἀφωρισμένας αὐτῷ σιτήσεις, ὑπὲρ μὲν τῶν ἐν εἰδει ἀνόνων ἐνεήκοντα καὶ καπίων ἑκατὸν εἴκοσι νομίσματα χίλια πέντε τέταρτον, ὑπὲρ δὲ τῶν ἐν χρυσῷ ἀνόνων πεντήκοντα καὶ καπίων πεντήκοντα νομίσματα τετρακόσια* (*dux* of Libya). It is natural to assume that the round sum represents the official salary, particularly as the figure of 50 agrees with that specified for the *dux* of Mauretania, and for a civil office of equivalent rank, the Augustal prefect (Just. *Ed.* xiii §3). The *annonae* and *capitus* in kind must be legalised perquisites.

85. STELLATURA: SHA, *Pesc. Nig.* 3, *Sev. Alex.* 15, *CTh* VII. iv. 28 §1, 406, (= *CJ* XII. xxxvii. 12), *semper* (Just. septem) dierum, per quas resistentes tribuni emolumentum gratia sollemniter stillaturae nomine consequuntur species, non aliter adaerentur, nisi ut in foro rerum venalium distrahuntur. THE TWELFTH: Th. II, Nov. xxiv §2, 443, quibus cum principe castrorumque praepositis pro laborum vicissitudine limitanei tantum militis duodecimam annonarum partem, distribuendam videlicet inter eos magisteriae potestatis arbitrio, deputamus, SEG IX. 356 §6, ὥστε τὴν δωδεκάτην μοῖραν μὴ ἐκ τῶν προτέρων διδομένων ἐκ [τοῦ] δημοσίου πᾶσαν παρακατέχεσθαι, ἀλλ' αὐτῶν τῶν κατὰ μέρος διδομένων τὴν μὲν δωδεκάτην κατὰ ἀναλογίαν ἔχειν ἕκαστον τῶν προσώπων, οἷς ἡ τοιαύτη ἀφώρισται παραμυθία, τὰ δὲ λοιπὰ μέρη τοὺς γενναιοτάτους κομίζεσθαι στρατιώτας· ὁμοίως ἕκαστος τοῦτον κατὰ ἀναλογίαν τῶν ἐκ τοῦ δημοσίου δοθέντων καὶ κομιζομένων καὶ μὴ τοὺς μὲν ἀποπληροῦσθαι τὴν αὐτῶν παραμυθίαν, τοὺς δὲ στρατιώτας χρεωστίσθαι, *Princeton Exp. Syria*, 20, 562, ὥστε [τὸν δοῦκα μ]όνα λαμβάνειν τὰ ἀφωρισμένα αὐτῷ κατὰ τὸ ἀρχαῖον ἔθος ὑπὲρ ἀννωνῶν καὶ καπίων ἐκ τοῦ δημοσίου καὶ ἐκ τοῦ μέρους τῆς δω[δεκάτ]ης. GIFT OF ANNONAE: *CTh* VII. iv. 29, 407, si quas sub gratia donationis a militibus auferunt quam merentur annonas duces seu tribuni, iuxta nummaria defixa pretia sine ulla dubitatione percipiant; 36, 424, si quando tribuni sive comites vel praepositi numerorum per provincias annonas voluerint, hoc est quas pro dignitate sua consequuntur, in aere percipere, non aliis eas pretiis, nisi quae in foro rerum venalium habeantur, adaerandas esse cognoscant. si alias annonas, quae non suae dignitatis erunt, sed alio modo, dum tamen licito, suis commodis adquisitas in auro sibi dari duces sive tribuni voluerint, illis pretiis contenti sint, quae in forma aerariarum annonarum universis militibus sollemni observatione praebentur.

86. RATIONS OF DEAD SOLDIERS: Them. *Or.* x. 136b, τῶν φυλάκων δὲ ἐλαττοῦσθαι τὸν ἀριθμὸν, ὅπως ἂν γίνωτο κέρδος αὐτοῦ ἢ μισθοφορὰ τῶν ἐκλειπόντων; cf. Lib. *Or.* XLVII. 31, τοσοῦτον δὲ τὸ παρὰ τῆς τροφῆς τῶν λόχων· οἷς ἐν ζῶντα ποιεῖν τὸν οἰχόμενον ἐσθίειν τε αὐτοῖς ἐν τῷ τοῦ τεθνεῶτος ὀνόματι. SALE OF EXTENDED LEAVE: Syn. *Ep.* 129, ὥσπερ γὰρ ὄντος νόμου, τὰ τῶν στρατιωτῶν εἶναι τῶν στρατηγῶν, ἃ πάντες εἶχον λαβών, ἀντέδωκεν αὐτοῖς ἀστρατίαν, καὶ τὸ μὴ συντετάχθαι, βαδίζειν ἐπιτρέψας, ἢ τις ᾤετο θρέψεσθαι; cf. *P. Abinn.* 33, in which Clematius asks Abinnaeus to give indefinite leave to Ision, a *promotus* of his unit, to act as Clematius' agent (ὅπως συγχωρήσης τοῦτω τοῖς πράγμασιν ἡμῶν προσέχειν, δυναμένου σου ὅπου τις ἀνάγκη κατεπίγει τοῦτον μετακαλέσασθαι καὶ πάλιν εὐθέως ποιῆσαι, ὡς προεῖπον, τοῖς πράγμασιν ἡμῶν προσέχειν): cf. also n. 95. CUSTOMARY PERQUISITES: Syn. *Ep.* 62, ὑπερεῖδε κερδῶν, ἃ δοκεῖν εἶναι νόμιμα πεποιήκεν ἡ συνήθεια; SEG IX. 356 §4, ὥστε μὴ ἐξεῖναι τῷ νῦν ἢ κατὰ καιρὸν δυνάμι κομιζέσθαι τι παρὰ τῶν στρατιωτῶν ὑπὲρ τῆς μὲν καλουμένης εὐμενείας, οὗσης δὲ ἐξ ἔθους οὐκ ἀγαθοῦ κακῆς συνηθείας. For the large total of perquisites see n. 84.

87. ILLEGAL COMMUTATION: *CTh* VII. iv. 1, 325, 17, 377.

88. LEGAL COMMUTATION: *CTh* VII. iv. 10, ad Symmachum *PU*, 364, protectores fori rerum venalium iuxta veteris moris observantiam in annonarum suarum

commoda pretia consequantur, 28, 406, 29, 407, 36, 424 (all cited in n. 85), *CJ* I. lii. 1, 439, omnibus tam viris spectabilibus quam viris clarissimis iudicibus, qui per provincias sive militarem sive civilem administrationem gerunt . . . in praebendis solaciis annonarum hic fixus ac stabilis servabitur modus, ut ea pro annonis et capitu dignitati suae debitae pretia consequantur, quae particularibus delegationibus soleant contineri. The *dux* of Libya appears to draw his salary in cash *annonae* and his perquisites in commuted *annonae* in kind (see n. 84).

89. PECULATION BY OFFICERS: Them. *Or.* x. 135d—36d, Lib. *Or.* II. 37-9, Syn. *Ep.* 131. PALLADIUS: Amm. XXVIII. vi. 17 ff.

90. SOLDIERS' SLAVES: Sulp. Sev. *V. Mart.* 2, *CTh* VII. xxii. 2 §2, 326, *Cbr.* II. 271.

91. SLAVES: *CTh* VII. i. 3, 349, quicumque militum ex nostra auctoritate familias suas ad se venire meruerint, non amplius quam coniugia liberos, servos etiam de peculio castrensi emptos neque adscriptos censibus ad eosdem excellentia tua dirigi faciat; xiii. 16, 406, praecipue sane eorum servos, quos militia armata detentat, foederatorum nihilominus et dediticiorum, quoniam ipsos quoque una cum dominis constat bella tractare; cf. Them. *Or.* x. 135d. FREE SERVANTS: *CTh* VII. i. 10, 367, plerique milites secum homines condicionis ingenuae propinquitate simulata vel condicione lixarum frequenter abducunt.

92. THE SCHOLAE: Th. II, *Nov.* xxi, 441.

93. SOLDIERS OWN LAND: *CTh* VII. xx. 4 pr., 325, comitatenses et ripenses milites atque protectores suum caput, patris ac matris et uxoris, si tamen eos superstites habeant, omnes excusent, si censibus inditi habeantur. quod si aliquam ex his personis non habuerint vel nullam habuerint, tantum pro suo debent peculio excusare, quantum pro iisdem, si non deessent, excusare potuissent, ita tamen, ut non pactione cum alteris facta simulato dominio rem alienam excusent, sed vere proprias facultates; VII. i. 3, 349 (cited in n. 91).

94. For desertion by recruits see n. 22. Of the 17 laws in *CTh* VII. xviii, de desertoribus et occultatoribus eorum, seven (2-8) fall between 379 and 383 and five (11-15) in 403 and 406.

95. *CTh* VII. i. 12, 384, 15, 396, 16 and 17, 398, *CJ* XII. xxxv. 15, 458.

96. *CTh* VII. xviii. 16, 413.

97. SHA, Sev. *Alex.* 58.

98. Even sons of officers had to serve (see n. 15); that sons of veterans and ordinary conscripts were drafted to either service is proved by *CTh* VII. xxii. 8, 372, xiii. 7 §3, 375, *P. Abinn.* 19 (cited in n. 20). ALLOTMENTS: *CTh* VII. xx. 3, 320, is addressed 'ad universos veteranos', and 8, 364, grants them 'omnibus benemeritis veteranis'; cf. Anon. *de rebus bell.* v. 4.

99. The *annonae* of *limitanei* are specifically mentioned in *CTh* VII. iv. 14, 365, 15, 369, 30, 409, Th. II, *Nov.* xxiv, 443, and in the sixth century in Proc. *HA* xxiv. 12-4, Just. *Nov.* xl, 536. In Anastasius's regulations for the *dux* of Arabia (*Princeton Exp. Syria*, 20) there are very fragmentary sections dealing with τὴν δόγαν, which was apparently paid by an ἡγογᾶτωρ in three four-monthly instalments. There is also an allusion to payments (?) ὑπὲρ βέστεως.

100. See App. II, Table VII.

101. FUNDI LIMITROPHI: *CJ* XI. lxii. 8, 386, *CTh* v. xii. 2, 415, Th. II, *Nov.* v. 2, 439, 3, 441.

102. BURGARI: *CTh* VII. xiv. 1, 398, in burgariis eadem volumus observari, quae de mulionibus lex nostra praecepit, ut ii quoque, qui intra Hispanias vel in quibuscumque locis ausi fuerint burgarios vel sollicitare vel receptare, eodem modo teneantur, similisque eos, qui publicis vestibus deputatos sollicitaverint vel receperint, et de coniunctione et de agnatione et de pecuniis et de cunctis rebus quas in illis deprehendimus poena cohibeat.

103. GENTILES: *CTh* VII. xv. 1, 409, terrarum spatia, quae gentilibus propter curam munitionemque limitis atque fossati antiquorum humana fuerant provisione concessa, quoniam comperimus aliquos retinere, si eorum cupiditate vel desiderio retinentur, circa curam fossati tuitionemque limitis studio vel labore noverint serviendum ut illi, quos huic operi antiquitas deputarat. alioquin sciant haec spatia vel ad gentiles, si potuerint inveniri, vel certe ad veteranos esse non inmerito transferenda, ut hac provisione servata fossati limitisque nulla in parte timoris esse possit suspicio. For the archaeological remains see J. Baradez, *Vue aérienne de l'organisation romaine dans le Sud algérien: Fossatum Africae*, Paris, 1949. COMITATENSES: *Not. Dig. Occ.* vii. 140-52, 179-98 (see App. II). PRAEPOSITI LIMITUM: *Not. Dig. Occ.* xxv, xxx, xxxi.

104. THE FIRST PRAEPOSITUS LIMITIS: *IRT* 880. PRAEFECTI: *Amm.* XXIX. v. 21, 35, *CTh* XI. xxx. 62, *procos. Afr.*, 405, in negotiis, quae ex appellatione descendunt, veterem consuetudinem volumus custodiri, illud addentes, ut, si quando a gentilibus vel a praefectis eorum fuisset interposita provocatio, sacrum sollemniter hoc est proconsularis cognitionis praestoletur examen; *Aug. Ep.* 199 §46, sunt enim apud nos, hoc est in Africa, barbarae innumerabiles gentes, in quibus nondum esse praedicatum evangelium ex his, qui ducuntur inde captivi et Romanorum servitiis iam miscentur, cotidie nobis addiscere in promptu est. pauci tamen anni sunt, ex quo quidam eorum rarissimi atque paucissimi, qui pacati Romanis finibus adhaerent, ita ut non habeant reges suos, sed super eos praefecti a Romano constituuntur imperio, et illi ipsi eorum praefecti Christiani esse coeperunt. TRIBUNI and DECURIONES: *Aug. Ep.* 46, in Arzugibus, ut audiui, decurioni, qui limiti praest, vel tribuno solent iurare barbari iurantes per daemones suos; qui ad deducendas bastagas pacti fuerint vel aliqui ad servandas fruges ipsas, singuli possessores vel conductores solent ad custodiendas fruges suscipere quasi iam fideles epistulam decurione mittente vel singuli transeuntes, quibus necesse est per ipsos transire.

105. MACAE: *SEG* IX. 356 §11, ὥστε τοὺς καστρησιανούς μετὰ πάσης ἐπιμελείας παραφυλάττειν, καὶ μὴ σ[υνω]νῆς χάριν τινὰ παρείναι ἐπὶ τοὺς βαρβάρους μήτε τὰ ἀλλάγματα πρὸς αὐτοὺς τιθ[έν]αι· ἀλλὰ φυλάττειν αὐτοὺς καὶ τὰς ὁδοὺς ἐπὶ τῷ μήτε Ῥωμαίους μήτε Αἰγυπτίους μ[ὴ]τε ἕτερόν τι <ι>να δόξα [πε]ροστάγματος τὴν παράδον ἐπὶ τοὺς βαρβάρους ποιεῖν· [το]ύς δὲ ἐκ τοῦ ἔθνους τ[ῶ]ν Μακῶν διὰ γραμμάτων τοῦ λα(μ)προτάτου) πραιφέκτου συγχωρεῖσθαι ἐπὶ τὰ χωρία [Πε]νταπόλεως παραγίνεσθαι. MARCOMANNI: *Not. Dig. Occ.* xxxiv. 24, tribunus gentis Marcomannorum, xxiv. 31, tribunus gentis per Raetiam deputatae. These Marcomanni are probably those mentioned in Paul. *V. Amb.* 36.

106. UNNIGARDAE: *Syn. Ep.* 78, δέονται γὰρ δὴ σοῦ μὲν δι' ἡμῶν, βασιλέως δὲ διὰ σοῦ δέησω, ἣν εἰκὸς ἡμᾶς ἦν, ἐκείνων σιωπῶντων, ποιήσασθαι, μὴ καταλεγῆναι τοὺς ἄνδρας ἀριθμοῖς ἐγχωρίοις. ἀχρεῖοι γὰρ ἂν ἑαυτοῖς τε καὶ ἡμῖν γένοιτο, τῶν βασιλικῶν δωρεῶν ἀφηρημένοι, εἰ μήτε ἵππων ἔξουσιν διαδοχὴν, μήτε ὅπλων παρασκευὴν, μήτε δαπάνην ἀγωνισταῖς ἄνδρασιν ἀρκοῦσαν. μὴ σύ γε, ὦ μετ' αὐτῶν ἀριστεύων, μὴ περιδῆς τοὺς στρατιώτας εἰς ἀτιμοτέραν τάξιν χωροῦντας.

107. LAW ON MANICHEES: *CTh* XVI. v. 65 §3. The last law on sons of veterans is *CTh* VII. xxii. 12, 398; for later practice see nn. 145-6.

108. *CTh* VII. xv. 2, 423, quicumque castellorum loca quocumque titulo possident, cedant ac deserant, quia ab his tantum fas est possideri castellorum territoria, quibus adscripta sunt et de quibus iudicavit antiquitas. quod si ulterius vel privatae condicionis quispiam in his locis vel non castellanus miles fuerit detentator inventus, capitali sententia cum bonorum publicatione plectatur. Th. II, *Nov.* xxiv §4, 443, agros etiam limitaneos universis cum paludibus omnique iure, quos ex prisca dispositione limitanei milites ab omni munere vacuos ipsi curare pro suo compendio atque arare consueverant, et si in praesenti coluntur ab his, firmiter ac sine ullo concussionis gravamine detineri, et si ab aliis possidentur, cuiuslibet spatii temporis praescriptione cessante ab universis detentoribus vindicatos isdem militibus sine ullo prorsus, sicut antiquitus statutum est, conlationis onere volumus adsignari.

109. Th. II, *Nov.* iv §1, 438, xxiv, 443.

110. For the regiments of Philae, Syene and Elephantine see n. 127. MAURI: *P. Ryl.* 609 (*vexillatio*), cf. *BGU* 21, *SPP* xx. 98, *P. Zill.* 5, *P. Lond.* 999, 1313, *P. Cairo*, 67091, for Mauri at Hermopolis from 340 to 538; in *Not. Dig. Or.* xxxi. 23-4, the Cuneus Equitum Maurorum Scutariorum is placed at Lycopolis and a Cuneus Equitum Scutariorum at Hermopolis. VERONENSES: *P. Ital.* 22. TARVISIANI: *ILS* 2809. HIPIONIENSES REGII: *ILS* 2811; cf. the Ravennates, Mediolanenses, Cadisiani, Salonitae (*P. Ital.* 20, 23, *P. Dip.* 122, *ILS* 2808, *PSI* 247).

111. THE GOLDEN GATE INSCRIPTION: *ILS* 9216, cf. *Not. Dig. Or.* vi. 50 for the Coinuti. LEONES CLIBANARII: *P. Amb.* 148, *SPP* xx. 131, 135, 139. BISELECTI: *P. Cairo*, 67057. NUMIDAE JUST.: *P. Cairo*, 67321, *P. Lond.* 1663, *Sb* 8028. FELICES PERSO-ARMENII: *P. Dip.* 122. EQUITES PERSO-JUST.: *ILS* 2810. ELECTI: *ILS* 9211. BISELECTI: *CIL* VIII. 17414. PRIMI FELICES JUST.: *CIL* VIII. 9248. V MACEDONICA: *P. Cairo*, 67002 (*Μακεδόνες*), *PRG* III. 10 (*Κυρτανοί*); cf. *Not. Dig. Or.* vii. 39, xxviii. 14. ARMIGERI: *P. Oxy.* 1888, cf. *Not. Dig. Or.* v. 35, vii. 26. DACI: *SPP* xx. 139, cf. *Not. Dig. Or.* vi. 43. SCYTHAE: *P. Oxy.* 1920, 2046, *P. Cairo*, 67002, 67057, *P. Grenf.* II. 95, cf. *Not. Dig. Or.* vi. 44. TRANSTIGRITANI: *SPP* xx. 131, 139, *BGU* 369, *Chr.* I. 471, cf. *Not. Dig. Or.* vii. 58. TERTIO DELMATAE: *Just. Ed.* iv §2, cf. *Not. Dig. Or.* vii. 27. IV PARTHICA: *Theoph. Sim.* II. 6, cf. *Not. Dig. Or.* xxxv. 24. REGII: *Proc. BG* I. xxiii. 3, cf. *Not. Dig. Or.* vi. 49. ARMENII: *P. Ital.* 22, 23, cf. *Not. Dig. Or.* vi. 31. DACI: *P. Ital.* 18-9, cf. *Not. Dig. Or.* vi. 43. FELICES THEODOSIANI: *P. Ital.* 16, cf. *Not. Dig. Or.* vi. 62. PRIMI THEODOSIANI: *ILS* 2806, cf. *Not. Dig. Or.* v. 64. The Theodosiaci stationed at Rome (*P. Ital.* 17, *Greg. Ep.* II. 45) may be identical with one of these units, but are more probably the Equites Theodosiaci of *Not. Dig. Or.* vi. 33 or viii. 27. The Theodosiaci of Nessana in Palestine (*P. Nessana*, 15) are no doubt the Balistarii Theodosiaci of the Eastern field army (*Not. Dig. Or.* vii. 57).

112. See pp. 271, 273-4, 292.

113. See pp. 280-2.

114. SCHOLAE: *Proc. HA* xxiv. 15-23, *Agathias*, v. 15, cf. *CJ* I. xxxi. 5, 527 (*probatoriae*), IV. lxxv. 35 §1, 530 (eleven *scholae*), XII. xxix. 2, 474 (*primicerii* given rank of *comes clarissimus*). Eutychius's father Alexander, though *τῇ τοῦ σχολαρίου τετιμημένος στρατιά*, saw active service under Belisarius (*V. Eutychii*, 7).

115. PROTECTORES AND DOMESTICI: *Proc. HA* xxiv. 24-6, cf. *V. Theod. Syc.* 25, 45, for *protectores* at Ancyra. PURCHASE OF PLACES: *CJ* II. vii. 25 §3, 519, *Const.*

Porph. *Cer.* i. 86, πάντων δὲ τῶν ἀγοραζόντων τόπους καὶ συμβολαῖα ἔξωθεν παρὰ τῶν πιπρασκόντων γίνεται πρὸς τούτους καὶ σύμβολα γίνεται. MENANDER'S CAREER: Menander, i.

116. Joh. Lydus, *Mag.* i. 47, ἀδωράτορας οἱ Ῥωμαῖοι τοὺς ἀπομάχους καλοῦσιν; *CIL* v. 8747, *CIG* 9449 (protector), *P. Ital.* 17, *P. Dip.* 122 (adorator). The Codex Justinianus ignores the privileges given to the *primicerius* and *decemprimi* of the *protectores* by *CTb* vi. xxiv. 9; perhaps the corps had ceased to exist, and the title alone survived (as proved by Const. Porph. *Cer.* i. 86).

117. EXCUBITORES: Joh. Lydus, *Mag.* i. 16, Proc. *HA* vi. 1-5 (Justin enlists and serves in Isauria), *BV* ii. xii. 17 (they serve in Africa). JUSTIN: Const. Porph. *Cer.* i. 93, Anon. Val. 76, Malalas, 410, cf. Proc. *HA* vi. 11, Evagr. iv. 1. TIBERIUS: Theoph. Sim. iii. 11. MAURICE: Joh. Eph. *HE* vi. 14, Greg. *Ep.* iii. 61. For *excubitores* in action at Constantinople see Malalas, 394, *Chron. Pasch.* 606, 608; in service abroad, Joh. Eph. *HE* vi. 14, Greg. *Ep.* i. 16, ix. 5, 89.

118. SCRIBONES: *Lib. Pont.* lxi. 4 (first mention in 545), Theoph. Sim. i. 4, ἄνδρα τῶν σωματοφυλάκων τοῦ βασιλέως ὑπερφερόμενον, ὃν σκριβωνα τῇ Λατινίδι φωνῇ Ῥωμαῖοι κατονομάζουσιν (cf. Suidas, s.v. σκριβῶ), Agathias, iii. 14, τῶν ἀμφὶ τὰ βασίλεια δορυφόρων οὗς δὴ σκριβωνας ὀνομάζουσιν; Theophylact's phrase implies an officer of the guards and this is confirmed by Mansi, x. 855, venit quidam scribo nomine Sagoleva cum multis excubitoribus (A.D. 653). SPECIAL MISSIONS: *Lib. Pont.* lxi. 4, lxxv. 2, Greg. *Ep.* ix. 4, Theoph. Sim. vii. 3 (arrests); Agathias, iii. 14 (official enquiry); Theoph. Sim. i. 4 (envoy); Greg. *Ep.* ii. 38 (recruits); v. 30 (distribution of pay); Theoph. Sim. viii. 5 (equipment of fleet). Other *scribones* are mentioned by Gregory in *Ep.* v. 29 (apparently at Salona), and ix. 57, 63, 73, 77, 78, x. 15, and in *V. Eutychii*, 70, Joh. Moschus, 174.

119. *Comitatenses* is used (in distinction from *limitanei*) in Julianus's summary of Just. *Nov.* xli. *Milites* (στρατιῶται) are usually contrasted with *foederati* (see nn. 133-4), sometimes also with *limitanei* (Just. *Nov.* ciii §3) or with *scholares* (Just. *Nov.* cxvii. §11), but the term is also used in a wider sense to include *foederati* and *scholares* (*CJ* iv. lxxv. 35 §1, 530, milites autem appellamus eos, qui tam sub excelsis magistris militum tolerare noscuntur militiam quam in undecim devotissimis scholis taxati sunt, nec non eos, qui sub diversis optionibus foederatorum nomine sunt decorati; Proc. *BG* i. v. 2, στρατιώτας ἐκ μὲν καταλόγων καὶ φοιδεράτων τετρακισχιλίους, ἐκ δὲ Ἰσαύρων τρισχιλίους μάλιστα ἔχοντα; iii. xxxiii. 13, τινὲς δὲ αὐτῶν (the Heruls) καὶ Ῥωμαίων στρατιῶται γεγέννηται ἐν τοῖς φοιδεράτοις καλουμένοις ταττόμενοι). *Numerus* (ἀριθμός, κατάλογος) is used to denote a regiment of *comitatenses* as opposed to *scholares* or *foederati* in Just. *Nov.* cxvi, cxvii §11, Proc. *BG* i. v. 2 (cited above), *BV* ii. iii. 4, xv. 50. BARBARIANS IN THE NUMERI: Proc. *BG* i. xvii. 17, ἦλθον δὲ αὐτοῖς ἀντόμολοι δύο καὶ εἴκοσι, βάρβαροι μὲν γένος, στρατιῶται δὲ Ῥωμαῖοι, ἐκ καταλόγου ἱππικοῦ, οὗπερ Ἰννοκέντιος ἤρχεν; xxvii. 1-2, Μαρτίνος δὲ καὶ Βαλεριανὸς ἦκον, ἑξακοσίους τε καὶ χιλίους στρατιώτας ἱππεῖς ἐπαγομένω. καὶ αὐτῶν οἱ πλείστοι Οὐννοὶ τε ἦσαν καὶ Σκλαβηνοὶ καὶ Ἄνται, οἱ ὑπὲρ ποταμὸν Ἰστρον οὐ μακρὰν τῆς ἐκείνῃ ὁχθῆς ἴδρυνται. VANDALS: Proc. *BV* ii. xiv. 17, cf. *BP* ii. xxi. 4; Ostrogoths were similarly used in the East (Proc. *BP* ii. xiv. 10, cf. xviii. 24-5, xxi. 4). PERSIANS: Proc. *BP* ii. xix. 24-5, cf. *BG* iii. iii. 10-11, *ILS* 2810, *P. Dip.* 122.

120. The contrast is most marked in *BG* iii. vi. 2, Κόνων γὰρ ἐνταῦθα ἐφύλασσε, Ῥωμαίων τε καὶ Ἰσαύρων χιλίους ἔχων, cf. *BP* i. xviii. 5, *BG* i. v. 2, x. 1, ii. v. 1,

xii. 26-7, xxiii. 2, xxvii. 5 ff., iii. x. 19 ff., xx. 4 ff., xxxvi. 7 ff. (Isaurians), *BP* ii. xxi. 4, *BG* ii. v. 1, xii. 26-7, iii. vi. 10 (Thracians), *BP* ii. xxi. 4, *BG* iii. x. 2, xi. 11-14 (Illyrians), *BP* ii. xxi. 2, xxiv. 12, *BG* iii. vi. 10, xxvii. 3, 10, iv. xi. 57 (Armenians). Thracians and Armenians are called *στρατιῶται* in *BG* iii. vi. 10, Illyrians in *BG* iii. x. 2, xi. 11, Thracians and Illyrians in *BG* iii. xii. 4. For recruiting in Illyricum and Thrace see n. 144. The Isaurians in *BP* i. xviii. 5, 38-40, were raw recruits, mostly from Lycaonia; Saba's father, a Cappadocian, was posted to an Isaurian regiment (see n. 123).

121. BELISARIUS'S ARMIES: *Proc.* *BV* i. xi. 2 (Africa), *BG* i. v. 2 (Italy). REINFORCEMENTS FROM ILLYRICUM: *Proc.* *BG* ii. xxviii. 2, iii. x. 2, xi. 11-4; FROM THRACE: *BG* iii. xxxix. 18. For individual regiments see n. 111. WESTERN REGIMENTS IN THE EAST: *PSI* 247 (Salonitae at Oxyrhynchus), *P. Cairo*, 67321, *P. Lond.* 1663, *Sb* 8028 (Numidae in the Thebaid), *CIL* viii. 17414, *P. Cairo*, 67057 (Biselecti in Africa and the Thebaid).

122. *CJ* xii. xxxv. 18, 492.

123. ISAURI: *Cyr.* *Scyth.* *V. Sabae*, 1, 9, 25, cf. *Not. Dig. Or.* vii. 56. ARMIGERI: *P. Oxy.* 1888, cf. *Not. Dig. Or.* vii. 26. SCYTHAE: *P. Oxy.* 1920, 2046, *P. Cairo*, 67002, 67057, *P. Grenf.* ii. 95, cf. *Not. Dig. Or.* vi. 44. LOAN CONTRACT: *SPP* xx. 139, cf. *Not. Dig. Or.* vi. 43 (Daci), vii. 58 (Transtigritani), *P. Amb.* 148 (Leones Clibanarii at Arsinoe in 487), *P. Lond.* 113. 5(a) (Transtigritani at Arsinoe in 498). John of Maiuma (*Pleroph.* 27) mentions the Daci at Alexandria under Zeno. See also n. 121 for Western regiments stationed in Egypt.

124. PENTAPOLIS: *SEG* ix. 356 §§5, 7, 8, 12. LIBYA: *Just. Ed.* xiii §18. PHOENICE: *Just. Ed.* iv §2, cf. *Not. Dig. Or.* vii. 27. PALMYRA: Malalas, 426. PALESTINE: *Just. Nov.* ciii §3. The Theodosiaci of Nessana in Palestine (*P. Nessana*, 15) are not recorded in the *Notitia* among the *limitanei* and are probably the Balistarii Theodosiaci, *pseudocomitatenses* of the *mag. mil. Or.* (*Not. Dig. Or.* vii. 57). In Arabia similarly Justinian assigned to the moderator τῶν καταλόγων τῶν ἰδρυμένων ἐκεῖσε *τωα* (*Just. Nov.* cii §2). BOSPORUS: Malalas, 432.

125. LIMITANEI: *CJ* i. xxxi. 4 + xlv. 4 + xi. lx. 3 (= *Th.* ii, *Nov.* xxiv, 443). THE DANUBE: *Just. Nov.* xli, 536. THE EAST: *Proc.* *HA* xxiv. 12-14, Malalas, 426 (Phoenice), 430 (Armenia), *Just. Nov.* ciii §3 (Palestine), *Theoph. Sim.* ii. 6 (Syria), *Princeton Exp. Syria*, 20, 562 (Arabia). PENTAPOLIS: *SEG* ix. 356 §§11, 14.

126. V MACEDONICA: *P. Cairo*, 67002 (Macedonians), *PRG* iii. 10 (Quintani), cf. *Not. Dig. Or.* xxviii. 14. For the Mauri see n. 108. LEASE: *SPP* xx. 98.

127. The dossier is published partly in *P. Monac.*, partly in *P. Lond.* v. 1719-37. Flavius Paternuthis is styled *στρατιώτης* in *P. Lond.* 1730 (585), 1732 (586), *P. Monac.* 10 (586), 12 (590-1), 13-14 (594), *P. Lond.* 1736 (611), 1737 (613). LEGION OF SYENE: *P. Lond.* 1722, 1728, *P. Monac.* 4-5, 8, 15, 16. LEGION OF PHILAE: *P. Monac.* 16. Cf. *Not. Dig. Or.* xxxi. 35, milites miliarenses, Syene, 37, legio prima Maximiana, Filas, 64, cohors prima felix Theodosiana, apud Elephantinem. ORDINARI: *P. Monac.* 2, 3, 8, 16. CENTURIONS: *P. Lond.* 1722, 1727, 1729, 1731, 1734, *P. Monac.* 8, 9.

128. PATERMUTHIS: *P. Monac.* 10, *στρατιώτη ἀριθμοῦ Ἐλεφαντίνης, ναύτη τῷ ἐπιτηδεύματι*, *P. Lond.* 1736-7, *στρατιώτης ἀριθμοῦ Ἐλεφαντίνης, ναύτης ἀπὸ Σήνης*, *P. Monac.* 7, 9, 14, *P. Lond.* 1727 (ναύτης only), *P. Monac.* 12, 13 (*στρατιώτης* only). JOHN: *P. Lond.* 1730, *στρατιώτης ἀριθμοῦ Σήνης, δρμώμενος ἀπὸ τῆς αὐτῆς*,



ναύτης τὸ ἐπιτήδευμα, 1728, στρατιώτης τείρων λεγίλωνος Σνήρης (584-5), *P. Monac.* 7, 9, 14 (στρατιώτης in 583, 585, 594). THE PROBATORIA: *Chr.* I. 470.

129. LEASE OF BAKERY: *SPP* XX. 131. THE PIOUS SOLDIER: Moschus, 73.

130. LIMITANEI IN AFRICA: *CJ* I. xxvii. 2 §8, 534.

131. The word *σύμμαχοι* (or cognate terms) is used in *BV* I. xi. 11 and *BG* I. v. 4 of Huns, in *BG* IV. xxvi. 12 of Lombards, in *BG* II. xiv. 34 of Heruls, in *BV* II. xiii. 20, 28, 30 of Moors; *ἐνσπονδοί* of the Tetraxite Goths in *Aed.* III. vii. 13. Heruls, Huns and Gepids are associated with the Lombards in *BG* IV. xxvi. 13. Heruls are very frequently mentioned, and Moors appear in the East in *BP* II. xxi. 4.

132. FEDERATES: *Proc. BV* I. xi. 3-4, *ἐν δὲ δὴ φοιδεράτοις πρότερον μὲν μόνοι βάρβαροι κατελέγοντο, ὅσοι οὐκ ἐπὶ τῷ δοῦλοι εἶναι, ἅτε μὴ πρὸς Ῥωμαίων ἡσσημένοι, ἀλλ' ἐπὶ τῇ ἴσῃ καὶ ὁμοίᾳ ἐς τὴν πολιτείαν ἀφίκοντο. φοιδερα γὰρ τὰς πρὸς τοὺς πολεμίους σπονδὰς καλοῦσι Ῥωμαῖοι. τὸ δὲ νῦν ἅπασι τοῦ ὀνόματος τούτου ἐπιβατεύειν οὐκ ἐν κωλύμῃ ἐστὶ, τοῦ χρόνου τὰς προσηγορίας ἐφ' ὧν τέθενται ἡκιστα ἀξιοῦντος τηρεῖν, ἀλλὰ τῶν πραγμάτων ἀεὶ περιφερομένων, ἣ ταῦτα ἄγειν ἐθέλουσιν ἄνθρωποι, τῶν πρόσθεν αὐτοῖς ὀνομασμένων ὀλιγοῦροντες, cf. *BG* III. xxxiii. 13, τινὲς δὲ αὐτῶν καὶ Ῥωμαίων στρατιώται γενένηνται ἐν τοῖς φοιδεράτοις καλουμένοις ταπτόμενοι. In *BG* IV. v. 13-14, Procopius uses *φοιδεράτοι*, in the old sense of the Ostrogoths before their migration to Italy. *CJ* I. v. 12 §17, 527, *Γότθους πολλάκις τοῖς καθωσιωμένοις ἐγγράφομεν φοιδεράτοις.**

133. FEDERATES AND COMITATENSES: *Proc. BV* I. xi. 2, *πεζοὺς μὲν στρατιώτας μυρίους, ἰππέας δὲ πεντακισχιλίους, ἐκ τε στρατιωτῶν καὶ φοιδεράτων συνελεγμένους, II. iii. 4 (ὅσοι ἄλλοι φοιδεράτων ἄρχοντες ἦσαν contrasted with ὅσοι τῶν ἱππικῶν καταλόγων ἦρχον), xv. 50 (ἡγεμόνες φοιδεράτων contrasted with those καταλόγων ἱππικοῦ and πεζῶν), *BG* I. v. 2, *στρατιώτας ἐκ μὲν καταλόγων καὶ φοιδεράτων τετρακισχιλίους, ἐκ δὲ Ἰσαύρων τρισχιλίους μάλιστα ἔχοντα, cf. BG III. xxxiii. 13 (cited in n. 132); CJ IV. lxxv. 35 §1, milites autem appellamus eos, qui tam sub excelsis magistris militum tolerare noscuntur militiam quam in undecim devotissimis scholis taxati sunt, nec non eos, qui sub diversis optionibus foederatorum nomine sunt decorati, Just. Nov. cxvi, 542, et milites quidem ad numeros suos transmittant in quibus militant, foederatos vero ad proprios optiones, cxvii §11, 542, quod autem a nobis sancitum est de his qui in expeditionibus sunt et in militiis constituti, sive milites sint sive foederati sive scholares sive alii quidam sub alia quacumque militia armata constituti, melius ordinare perspeximus. et iubemus quantoscumque annos in expedito manserint, sustinere horum uxores, licet nec litteras nec responsum aliquod a suis maritis susceperint. si qua vero ex huiusmodi mulieribus suum maritum audierit mortuum, neque tunc ad alias eam venire nuptias sinimus, nisi prius accesserit mulier per se aut per suos parentes aut per aliam quamcumque personam ad priores numeri et cartularios, in quo huius maritus militabat, et eos seu tribunum, si tamen adest, interrogaverit . . . si vero scholaris fuerit ille de cuius morte dubitatio est, a primis scholae et actuario, si autem foederatus, ab optione eius memoratam depositionem accipere eius uxorem.**

134. AUDIT: *Just. Nov.* cxlvii §2, 553, tam militares quam foederaticas discussiones. REGIMENTS: *Just. Nov.* cxlviii §2, 566, τὰ τοῖς στρατιωτικοῖς τάγμασιν ἢ φοιδερατικοῖς ἐπιδοθέντα. OFFICERS: *Proc. BV* I. xi. 5, xix. 13, II. iii. 4, vii. 11, xv. 50. OPTIONES: *CJ* IV. lxxv. 35 (cited in n. 133), *Nov.* cxvi, cxvii §11 (cited in n. 133).

135. TOLERATION OF ARIANISM: *CJ* I. v. 12 §17. That federates were not under the command of the *magistri militum* appears from the wording of *CJ* IV. lxxv. 35 (cited in n. 133). COMES FOEDERATORUM: Malalas, 364 (Areobindus, cos. 434), Theophanes, AM. 6005 (Patriciolus, father of Vitalian), Proc. BG III. xxxi. 10 (Artabanes). FEDERATES IN PALESTINE: Just. Nov. ciii §3, 536.

136. Olymp. 7, *ὅτι τὸ βουκελλάριος ὄνομα ἐν ταῖς ἡμέραις Ὀνωρίον ἐφέρετο κατὰ στρατιωτῶν οὐ μόνων Ῥωμαίων, ἀλλὰ καὶ Γόθων τινῶν ὥς δ' αὐτως καὶ τὸ φοιδεράτων κατὰ διαφόρων καὶ συμμιγοῦς ἔφερετο πλήθους*. *CTh* VII. xiii. 16, 406, praecipue sane eorum servos, quos militia armata detentat, foederatorum nihilo minus et dediticiorum, quoniam ipsos quoque una cum dominis constat bella tractare.

137. UNNIGARDAE: Syn. *Catastasis* II, Οὐννιγάρδαι μετὰ Ἀνυσίον Ῥωμαῖκαὶ χεῖρες εἰσιν. ἄνευ δὲ τούτου καὶ τοὺς τεσσαράκοντα τοὺς παρόντας ἐπαινεῖν μὲν ἔχω τῆς ῥώμης, ἐγγνῆσθαι δὲ τῆς γνώμης οὐ βούλομαι; *Ep.* 78, οὐδὲν ἂν γένοιτο Πενταπόλει λυσιστελέστερον τοῦ τοὺς ἀγαθοὺς καὶ ἀνδρας καὶ στρατιώτας Οὐννιγάρδας προτετιμῆσθαι πάντων στρατιωτῶν, οὐ τῶν ἐγχωρίων λεγομένων μόνον, ἀλλὰ καὶ ὅσοι πώποτε κατὰ συμμαχίαν εἰς τοὺςδε τοὺς τόπους ἀφίκοντο. . . . δέονται γὰρ δὴ σοὺ μὲν δι' ἡμῶν, βασιλέως δὲ διὰ σοῦ δέησιν, ἣν εἰκὸς ἡμᾶς ἦν, ἐκείνων σιωπώντων, ποιήσασθαι, μὴ καταλεγῆναι τοὺς ἀνδρας ἀριθμοῖς ἐγχωρίους. ἀρχεῖοι γὰρ ἂν ἑαυτοῖς τε καὶ ἡμῖν γένοιτο, τῶν βασιλικῶν δωρεῶν ἀφηρημένοι, εἰ μήτε ἵππων ἔξουσιν διαδοχὴν, μήτε ὀπλων παρασκευὴν, μήτε δαπάνην ἀγωνισταῖς ἀνδρῶν ἀρκούσαν. TITUS: *V. Dan.* 60-64.

138. RUFINUS: Claud. *in Ruf.* II. 76 ff. STILICHO: Zos. v. 34. AETIUS: Joh. Ant. 201.4-5. ASPAR: Malalas, 371. VALERIAN: Th. II, Nov. xv. 2, 444. LEO'S LAW: *CJ* IX. xii. 10, 468. JOHN THE CAPPADOCIAN: Proc. BP I. xxv. 7. PRIVATE BUCELLARII: *Chr.* I. 471, *P. Oxy.* 156, *P. Erlangen*, 67.

139. OATH: Proc. *BV* II. xviii. 6. NUMBERS: Proc. BG III. i. 18-20 (Belisarius), xxvii. 3 (Valerian), Agathias, I. 19 (Narses). Lesser commanders who had *δορυφοροὶ* include Martin (Proc. *BV* I. xi. 30), Peter (BP II. xxvi. 26) and Theodore (*BV* II. xviii. 1). The *bucellarii* of *P. Oxy.* 2046 probably belonged to Athanasius, *dux* of the Thebaid (cf. *P. Oxy.* 1920). Justinian had a *δορυφορος* when he was only a *candidatus* (Proc. BG III. xxxviii. 5).

140. ORIGINS OF BUCELLARII: *BV* I. xvii. 1 (Armenian), BG III. xxxvi. 16 (Cilician), BG I. xxviii. 23 (Pisidian), I. xxix. 20 (Cappadocian), II. x. 19 (Isaurian), *BV* II. xxviii. 3, BG II. ii. 10, xiii. 4, 14, III. xi. 37 (Thracians), *BV* II. x. 4, BG I. xvi. 1, II. i. 21, ii. 10, xiii. 14, III. xxx. 6 (Huns), BG II. ii. 10, III. xi. 37 (Persians). MAJOR DOMO: Proc. BG II. xxviii. 8, III. xxxvi. 16, Agathias, I. 19, II. 8. OPTIO: Proc. *BV* I. xvii. 1. Δορυφοροὶ IN COMMAND OF SPECIAL DETACHMENTS: BP I. ix. 13 (1,000 men), II. xix. 15 (1,200 men, mostly *ὑπασπισταί*), xxi. 2 (1,000 men), *BV* I. xix. 23 (800 *ὑπασπισταί*), xxiii. 5 (22 *ὑπασπισταί*), II. xix. 6, BG I. vii. 34 (500 men), xxvii. 4, 11 (200 and 300 *ὑπασπισταί*), II. ii. 3 (100 *ὑπασπισταί*), 10 (600 cavalry), vii. 27 (800 *ὑπασπισταί*), III. xi. 19 (1,000 men), xxxvi. 1 (3,000 men), etc. Δορυφοροὶ BECOME OFFICERS: Proc. BP I. xii. 21 (Belisarius and Sittas), BG III. xiv. 1 (Chilbudius), xxxvi. 16 (Paul), BP I. xviii. 6 (Peter, of Justinian), BG III. xxxviii. 5 (Asbadus, also of Justinian), *BV* II. x. 4 (Aigan, of Belisarius), Theoph. Sim. I. 14 (Stephanus, of Tiberius Constantine).

141. The figures given for the African expeditionary force (Proc. *BV* I. xi) are 10,000 *πεζοὶ στρατιῶται* and 5,000 cavalry, selected from *στρατιῶται* (under 4 commanders) and *φοιδεράτοι* (under 9 commanders), 400 Heruls and 600 Huns. ITALIAN EXPEDITIONARY FORCE: BG I. v. 2. REINFORCEMENTS: BG II. v. 1, xiii. 16-8, III. vi. 10, x. 1-3 (cf. II. xxviii. 2).

142. GERMANUS: BG III. xxxix. 9-10, 16-20. NARSES: BG IV. xxvi. 8-13. Cf. the analysis of the Roman army in Lazica in Agathias, III. 20, where of seven groups one only (the Heruls and Lombards) are barbarian allies.

143. CJ XII. xxxv. 17, 472, *neminem in ullo numero equitum vel peditum vel in quolibet limite sine nostri numinis sacra probatoria in posterum sociari concedimus, consuetudine quae hactenus tenuit antiquata, quae magisteriae potestati vel ducibus probatorias militum facere vel militibus adiungere licentiam tribuebat, ut ii tantum in numeris vel in limitibus militent, qui a nostra divinitate probatorias consequuntur. viros autem eminentissimos pro tempore magistros militum nec non etiam viros spectabiles duces, si supplere numeros pro his qui fatalibus sortibus decrescent necessarium esse putaverint, veritate discussa per suggestionem suam nostrae mansuetudini declarare, qui et quanti et in quo numero vel limite debeant subrogari, ut ita demum, prout nostrae sederit maiestati, divina subnotatione subnixa militiam sortiantur.*

144. PROHIBITIONS ON SLAVES, ETC.: CJ XII. xxxiii. 2, 3, 4, xliii. 1, 2; cf. P. Ryl. 609. RECRUITING CAMPAIGNS: BG III. x. 1-3 (544), cf. xii. 4, xxxix. 16 (549). Theodoret implies that soldiers were mainly volunteers even in the mid-fifth century in Ep. (PG) 144, where he writes to the στρατιῶται of the garrison of Cyrrhus, οἱ μὲν γὰρ ναυτικόν, οἱ δὲ πολεμικόν αἰροῦνται βίον, καὶ οἱ μὲν ἀθλητικόν, οἱ δὲ γεωργικόν.

145. For recruitment and conditions in fifth and sixth century Egypt, see J. Maspéro, *Organisation militaire de l'Égypte byzantine*, Paris, 1912. THE TWO BROTHERS: SPP XX. 131. PAULACIS: P. Ital. 22. Among the Theodosiaci of Nessana in Palestine recruitment was also local and service often hereditary (P. Nessana, 15, 22, 29). The family of Dios is described in P. Monac. 1 (574), where he is called a ναύτης, and is said to have had his son John συνεργαζόμενον αὐτῷ τῇ ναυτικῇ τεχνῇ, but to have paid a solidus for his probatoria (νομισμάτιον ἐν ζυγῷ Σνήρης ὅπερ δέδωκέν σοι ὁ μνημονευθεὶς ἡμῶν πατὴρ Δίος ὑπὲρ στρατευσιμῶ τοῦ υἱοῦ σοῦ; cf. SEG IX. 356 §12, for the meaning of τὸ στρατευσιμὸν). For Paeion see P. Monac. 4, line 55 (581), and for John, son of Jacob, n. 128.

146. Chr. I. 470, P. Ryl. 609, [Flavius Cons]tantinius Theofanes comes et vir inlustris comes devotissimorum virorum domesticorum et rei militaris Thebaici limitis Flavio [. . .] Ite sive Theodoti viro devotissimo tribuno Hermupoli degenti. . . . eridero sacra iussione domini nostri Anastasii piissimi ac triumphatoris semper Augusti [e qua n]umeris supplementi caus[a] i[u]niores robustis corporibus adsociarentur Heracleon fil[ium] Constantinii [ortum e] civitati Hermupolitana in vexillatione prudentiae tuae pro tempore credita edictio mea militare praecipit [eiusq]ue nomen si ex genere oritur militari et neque curialis nec praesidialis est nec invencillo corpore [. . .] is nec censibus adscribtos matriculis eiusdem inseri facito annonas ei ex die iduum [. . .]m Sabiniano et Theodoro viris clarissimis consulibus ministrari curaturus cum ceteris [. . .] libus suis muniis militaribus operam navaturo ita tamen si octavum decimum annum [pereg]isse dinoscitur.

147. For the accession and quinquennial donative see n. 33. ANNONA: Val. III, Nov. xiii §3, Just. Ed. xiii §18, CJ I. xxvii. 1 §§22 ff., 2 §§22 ff. ARMS AND CLOTHING ALLOWANCE: Theoph. Sim. VII. 1, ὁ δὲ τύπος ἐβουλετο τριτταῖς μοίραις συντάττεσθαι τὴν ἐπίδοσιν, δι' ἐσθήτος καὶ ὅπλων καὶ χαράγματος χρυσίου; cf. Proc. BG III. i. 8, ἵππων δὲ ἢ τόξων ἢ ἄλλων ὀνουσῶν στρατιώτων ἐν τῇ μάχῃ ἀπολωλότος ἕτερον ἀντ' αὐτοῦ πρὸς Βελισαρίου αὐτίκα ὑπῆρχεν.

148. CLOTHING FACTORIES: *CJ* XII. xxxix. 4. STUD FARMS: *Proc. BV* I. xii. 6, βασιλεὺς ἵπποις ὅτι μάλιστα πλείστοις τὸν στρατηγὸν ἐνταῦθα ἐδωρεῖτο ἐκ τῶν βασιλικῶν ἵπποφορβίων, ἃ οἱ νέμονται ἐς τὰ ἐπὶ Θράκης χωρία, *BG* IV. xxvii. 8 (Thrace), *Theoph. Sim.* III. 1 (Asia Minor), ἵπποφορβοῖς τοιγαροῦν προσομιλεῖ τοῖς τὰς ἵππους τὰς στρατιωτικὰς περιβόσκουσι. *FABRICAE: CJ* XI. x. 7 (467-72), *Just. Nov.* lxxxv, 539.

149. PALESTINE: *CTh* VII. iv. 30, 409. LIBYA: *SEG* IX. 356 §11, ὥστε τοὺς καστρησιανούς μετὰ πάσης ἐπιμελίας παραφυλάττιν, καὶ μὴ σ[υνω]νῆς χάριω τινὰ παρειέναι ἐπὶ τοὺς βαρβάρους μήτε τὰ ἀλλάγματα πρὸς αὐτοὺς τιθ[έν]αι. TRANSPORT OF FOOD-STUFFS: *CJ* XII. xxxvii. 4.

150. For the land tax and *συνώνη* see pp. 460-1. *CJ* XII. xxxvii preserves many laws which deal with rations in kind, e.g. nos. 1, 5, 6, 7, 10. In *Sb* 9455 (late fifth or early sixth century) the two *optiones* of the *Leontoclibanarii* give a *μονορεκαῦτον* to the *ἐπιμελητής* of Heracleopolis [λόγῳ τροφ]ημῶν τοῖς ἡμετέροις κοτουβελανίοις (*contubernaliibus*) ὑπὲρ πρώτης καὶ δευτέρας καὶ τρίτης τετραμήνου for 2370 *artabae* of wheat. At Faran in the Sinai peninsula there were under Justin II 'octingentas condomos militantes in publico cum uxoribus suis, annonas et vestes de publico accipientes de Aegypto, nullum laborem habentes qui nec habent ibi eo quod totum harena sit, et praeter singulis diebus habentes singulos equos Saracenos qui capitum paleos et hordeum de publico accipiunt' (*Itin. Hier. Antoninus*, 40). *DELEGATORIAE: P. Cairo*, 67320-1, *P. Lond.* 1663, *Sb* 8028, *P. Erlangen*, 55. *FORMARIAE: P. Cairo*, 67050-1.

151. COMMUTATION: *CJ* XII. xxxvii. 19 pr., ἐὰν στρατιῶται ὑφeskῶτες μὴ ᾧων ἐν ταῖς οἰκείαις ἀγγραφαῖς, ἀλλ' ἢ εἰς βοήθειαν ἡφορίσθησαν προσώποις τισὶν ἢ κατὰ ἄφεσιν ἀπελύθησαν, μὴ λαμβάνειν τὰς ἀννῶνας αὐτῶν τὸν ὑπομνηματοφύλακα ἐν εἶδει διὰ τὸ μὴ φθεῖρεσθαι, ἀλλ' ἐν χρυσῷ, . . §1, εἰ δὲ καὶ στρατιώτης ἐξαργυρῆσαι βουλευθεῖη τὰς παρεχομένας αὐτῷ ἀννῶνας, λήψεται τὰ χρήματα κατὰ τὴν τράπεζαν. . . . εἰ δὲ καὶ ὁ ὑπομνηματοφύλαξ ὀγοράσῃ παρὰ στρατιώτου τὰς ἀννῶνας αὐτοῦ καὶ αὐτὸς λαμβάνει αὐτὰς παρὰ τοῦ συντελεστοῦ ὡς ἐκχωρηθεῖσας αὐτῷ, πάλιν κατὰ τὴν τράπεζαν λαμβάνει αὐτόν, εἰ μὴ παρὰ τὸ εἶδος βούλεται ὁ συντελεστής προσαγαγεῖν.

152. The details of commutation are given in *P. Cairo*, 67050-1, 67320.

153. BELISARIUS: *Proc. BG* I. xxv. 3. TROOPS IN TRANSIT: *Just. Nov.* cxxx, 545; *P. Oxy.* 1920, 2046.

154. DEPUTY PRAETORIAN PREFECTS ON THE EASTERN FRONT: *Josh. Styl.* 54, 70, 77, 93, 99, *Proc. BP* I. viii. 5, II. x. 2, *Just. Nov.* cxxxiv §1, 556, solum vero iubemus esse loci servatorem praefecturae in Osroena et in Mesopotamia, et si necessitas vocaverit, in aliis locis tempore expeditionis pro nutrimentis eius destinatos, et hoc quidem per nostram iussionem; FOR AFRICA: *BV* I. xi. 17, xv. 13, xvii. 16, II. xvi. 2, cf. I. xiii. 12-20 (John the Cappadocian).

155. ACTUARY'S COMMISSION: *Just. Nov.* cxxx pr., 545. ACTUARY'S ACCOUNTS: *P. Cairo*, 67145.

156. ANASTASIUS'S LAW: *CJ* XII. xxxvii. 16.

157. LEAVE: *CJ* XII. xxxvii. 16 §§2-4, I. xxvii. 2 §9, 534.

158. See n. 57 for grades of *comitatenses* and centurions and decurions. OTHER GRADES OF LIMITANEI: *Chr.* I. 470 (*primicerius, ordinarii, adiutor*), *P. Monac.* 3, 8, 16 (*ordinarii*), 8, 13, 14 (*adiutor*), 8, 13-16, *P. Lond.* 1722, 1724, 1733-4, cf.

PRG III. 10, *MAMA* I. 216 (*Augustales*), BGU 369 (*Flavialis*), *P. Monac.* 14 (*draconarius*), 15 (*campidoctor*), 9 (*ιατρός*), *P. Lond.* 1722 (*τυμπανάριος*), 1722-3, 1731, 1733, 1736, *P. Monac.* 1, 12 (*actuarinus*). For *Augustales* and *Flaviales* see Veg. II. 7. *Vicarii* are coupled with tribunes in *CJ* I. xlii. 2, XII. xxxvii. 19 pr. §4 (both probably of Anastasius), XII. xlii. 1 (where they are interpolated in a law of Constantine), III. xiii. 5 (these are probably interpolated in a law of 397). They are mentioned by Vegetius (III. 4, 6) and frequently in papyri, e.g. *P. Cairo*, 67002, 67009, 67057, *PSI* 1366, *P. Oxy.* 1883. It is significant that in the Paternuthis documents *vicarii* or *ex vicariis* frequently appear as witnesses etc. together with other ranks (*P. Lond.* 1722, 1724, 1727, 1733, *P. Monac.* 8, 9, 10), but only one *ex tribunis* is mentioned, and he is *τοποτηρητής τοῦ λήμιτος*, apparently a regional commander (*P. Monac.* 6). This suggests that the *vicarii* were rankers, resident in the place; the tribunes were perhaps absentees. That tribunes were often not to be found with their regiments is suggested by Just. *Nov.* cxvii §11, nisi prius accesserit mulier per se aut per suos parentes aut per aliam quancumque personam ad priores numeri et cartularios, in quo huius maritus militabat, et eos seu tribunum, si tamen adest, interrogaverit.

159. ANASTASIUS'S REGULATIONS: *SEG* IX. 356 §7, ὥστε ἰνσπεσίμου συνοδιακοῦ μὴ καταζητῆσθαι ὡς ἀσθενεῖς ἢ ἀ[χ]ρεῖους τοὺς πρῶτους ἐκάστου ἀριθμοῦ καὶ κάστρου, τουτέστιν, εἰ μὲν [ἐ]κατὸν εἶεν ἄνδρες, τοὺς πρῶτους πένται, εἰ δὲ διακόσιοι [τ]οῖς [πρῶτου]ς δέκα· τὴν δὲ αὐτῇ[ν] ἀ[ναλ]ο[γ]είαν καὶ ἐπὶ τ[οῖς] πλίσιν καὶ ἐπὶ τοῖς ἐλάττωσιν ἀνδράσιν φυλάττεσθαι; cf. *Proc. HA* xxiv. 2-4.

160. JUSTINIAN: *Proc. HA* xxiv. 8. MAURICE'S LAWS: Theoph. Sim. VII. 1; the second seems to be identical with *CJ* XII. xlvii. 3 (from the Basilica) and I have used this text to supplement Theophylact.

161. For promotion of *bucellarii* see n. 140. BARBARIAN OFFICERS: *Proc. BG* III. xxiii. 6, Agathias, III. 21, IV. 15 (Huns), *Proc. BG* IV. ix. 5, Agathias, I. 14 (Heruls), *Proc. BG* III. vi. 10 (Iberian), IV. xxv. 11 (Goth), IV. viii. 15 (Gepid), Agathias, III. 21 (Anta), III. 6 (three barbarians).

162. STELLATURA: *CJ* XII. xxxvii. 12. THE TWELFTH: *CJ* I. xlvi. 4, *SEG* IX. 356 §6, *Princeton Exp. Syria*, 20. PAYMENTS FOR LEAVE: *CJ* I. xxvii. 2 §9. ANNONAE OF DEAD SOLDIERS: *Proc. HA* xxiv. 5-6.

163. SALARY OF DUX OF LIBYA: Just. *Ed.* xiii §18 (see n. 84).

164. ARREARS IN THE EAST: *Proc. HA* xxiv. 13, *BP* II. vii. 37; no garrison is recorded at Beroea in the Notitia, but in Maurice's reign a unit of *limitanei* was stationed there (Theoph. Sim. II. 6). ARREARS IN AFRICA: *Proc. BV* II. xv. 55, xvi. 5, xviii. 9; IN ITALY: *BG* III. vi. 6-7, xi. 13-16, xxxvi. 7-26, IV. xxvi. 5-6.

165. ALEXANDER: *Proc. BG* III. i. 28-33; cf. for auditors in general *Proc. HA* xxiv. 5-11, Agathias, V. 14.

166. MAURICE'S ECONOMIES: Theoph. Sim. III. 1 ff., VIII. 6 ff.

167. PAULACIS: *P. Ital.* 22. TSITAS: *P. Dip.* 122. SORTES VANDALORUM: *Proc. BV* II. xiv. 8-10. The papyri record several soldiers who owned land in Egypt (*P. Michael.* 43, *PSI* 296) and in Palestine (*P. Nessana*, 16, 21, 24).

168. Joh. Lydus, *Mens.* I. 27, ὅτι ἐπὶ τοῦ Διοκλητιανοῦ ἡ πᾶσα τῶν Ῥωμαίων στρατιὰ μυριάδες ἦν ὀκτὼ καὶ τριάκοντα καὶ ἑνακισχίλιοι καὶ ἑπτακόσιοι καὶ τέσσαρες, ναυτικὴ δὲ δύναμις ἡ ἐπὶ τῶν ἐπικαίρων χωρίων ναυλοχοῦσα ἐπὶ τε τοῖς ποταμοῖς ἐπὶ τε τῇ θαλάσῃ τετρακισμύριοι καὶ πεντακισχίλιοι καὶ πεντακόσιοι ἐξήκοντα καὶ δύο.

ὅτι πρὸς τοῦτον τὸν ἀριθμὸν ὁ μέγας Κωνσταντῖνος ἐπὶ τῆς ἀνατολικῆς βασιλείας τὸν στρατὸν διέθηκεν, ὡς ἑτέρας τοσαύτας μυριάδας στρατοῦ προστεθῆναι τῇ Ῥωμαϊκῇ πολιτείᾳ. Zos. II. 15, συναγαγὼν δυνάμεις ἔκ τε ὧν ἔτυχεν ἔχων δορικτῆτων βαρβάρων καὶ Γερμανῶν καὶ τῶν ἄλλων Κελτικῶν ἐθνῶν, καὶ τοὺς ἀπὸ τῆς Βρεττανίας συνειλεγμένους, εἰς ἑννέα πον μυριάδας πεζῶν ἅπαντας καὶ ὀκτακισχιλίους ἱππέας (Constantine) . . . Ῥωμαίων μὲν καὶ Ἰταλῶν εἰς ὀκτὼ μυριάδας αὐτῷ συνεμαχοῦν, καὶ Τυρρηνῶν ὅσοι τὴν παραλίαν ἅπασαν ᾤκουν, παρέλχοντο δὲ καὶ Καρχηδόνιοι στράτευμα μυριάδων τεσσάρων, καὶ Σικελιώται πρὸς τούτοις, ὥστε εἶναι τὸ στράτευμα πᾶν ἑπτακαίδεκα μυριάδων, ἱππέων δὲ μυρίων πρὸς τοῖς ὀκτακισχιλίοις (Maxentius), Agathias, V. 13, τὰ γὰρ τῶν Ῥωμαίων στρατεύματα, οὐ τοσαῦτα διαμεμενηκότα ὅποσα τὴν ἀρχὴν ὑπὸ τῶν πάλαι βασιλέων ἐξεύρεται, ἐς ἐλαχίστην δὲ τινα μοῖραν περιελθόντα, οὐκ ἐνὶ τῷ μεγέθει τῆς πολιτείας ἐξήρκουν. δέον γὰρ ἐς πέντε καὶ τεσσαράκοντα καὶ ἑξακοσίας χιλιάδας μαχίμων ἀνδρῶν τὴν ὅλην ἀγείρεσθαι δύναμιν, μόλις ἐν τῷ τότε εἰς πεντήκοντα καὶ ἑκατὸν περιειστήκει. καὶ τούτων αἱ μὲν ἐν Ἰταλίᾳ ἐτετάχато, αἱ δὲ κατὰ τὴν Λιβύην, ἑτεραι δὲ ἐν Ἰσπανίᾳ, καὶ ἄλλαι περὶ τοὺς Κόλχους, καὶ ἄλλαι κατὰ τὴν Ἀλεξάνδρου καὶ Θήβων τὴν Αἰγυπτίαν. ἐκάθητο δὲ ολίγοι καὶ πρὸς τὰ ἑῷα τῶν Περσῶν ὄρια.

169. See App. II.

170. COHORTES MILIARIAE: *Not. Dig. Or.* xxxvii. 31, xxxviii. 27, 29, 30. ALAE MILIARIAE: *Not. Dig. Or.* xxxiv. 32, 36, xxxvii. 25, 28; cf. xxxi. 35, milites miliarenses. In *P. Beatty Panop.* (see n. 30) the cohors XI Chamavorum seems to number c. 500, and the ala I Iberorum c. 360, the ala II Herculia Dromediorum only 211. Libanius speaks of an ἡλιόπλιτων (a cohort?) in Diocletian's day as numbering 500 men (*Or. xi.* 159 ff., xx. 18).

171. VEXILLATIONES MILIARIAE: *ILS* 531, 2726. In *P. Beatty Panop.* (see n. 30) a *vexillatio* of Legio Traiana seems to number c. 1100, and its *lanciararii* c. 875, a *vexillatio* of Legio III Diocletiana c. 1000, a *vexillatio* of several legions nearly 2,000, and Legio III Diocletiana (the main body, after deduction of contingents) c. 1700. All these figures are actual strengths, no doubt below establishment.

172. SUBDIVISION OF LEGIONS: *Not. Dig. Or.* xxxix. 28-35, xl. 29-35, xlii. 30-9, *Occ.* xxxii. 44-8, xxxiii. 51-7, xxxiv. 25-7, 37-41, xxxv. 17-9, 21-22. Cf. legio III Diocletiana in *Or.* xxviii. 18, xxxi. 31, 33, 38. For detachments of legions in the *comitatus* see App. II, Table IX.

173. SCHOLAE: *Proc. HA* xxiv. 15, 19 (3,500 in the seven old *scholae*, 2,000 in the four new, cf. *Not. Dig. Or.* xi. 4-10, *CJ* IV. lxv. 35). VEXILLATIO: Joh. Lydus, *Mag.* I. 46. In *P. Beatty Panop.* (see n. 30) the number of the Equites Sagittarii seems to be only about 250 and of the *promoti* of Legio II Traiana c. 150. Ammianus (xviii. viii. 2) speaks of 'duarum turmarum equites circiter septingenti, ad subsidium Mesopotamiae recens ex Illyrico missi'. These again are actual strengths, and no doubt below establishment. On the other hand Zosimus (iii. 3) speaks of an ἡλιόπλιτων ἱππέων under Julian Caesar. In Justinian's reign the Numidae Justiniani numbered 508 (*P. Cairo*, 67321, *P. Lond.* 1663, *Sb* 8028).

174. Amm. xviii. ix. 3-4, cuius oppidi praesidio erat semper quinta Parthica legio destinata cum indigenarum turma non contemnenda. sed tunc ingruentem Persarum multitudinem sex legiones raptim percursis itineribus antegressae muris adstitero firmissimis. Magnentiaci et Decentiaci quos post consummatos civiles procinctus, ut fallaces et turbidos ad orientem venire compulit imperator, ubi nihil praeter bella timetur externa, et Tricensimani Decimanique Fortenses

et Superventores atque Praeventores cum Aeliano iam comite, quos tirones tum etiam novellos hortante memorato adhuc protectore erupisse a Singara Persasque fusos in somnum rettulimus trucidasse complures. aderat Comitum quoque Sagittariorum pars maior, equestres videlicet turmae ita cognominatae, ubi merent omnes ingenui barbari, armorum viriumque firmitudine inter alios eminentes; xix. ii. 14, intra civitatis ambitum non nimium amplae legionibus septem et promiscua advenarum civiumque sexus utriusque plebe et militibus aliis paucis ad usque numerum milium viginti cunctis inclusis (Amida); xx. iv. 2, Decentium tribunum et notarium misit auxiliares milites exinde protinus abstracturum Aerulos et Batavos cumque Petulantibus Celtas et lectos ex numeris aliis trecentenos, hac specie iussos adcelerare, ut adesse possint armis primo vere movendis in Parthos; xxxi. x. 13, qua difficultate perpensa, velut murorum obicibus opponendi per legiones singulas quingenteni leguntur armati, usu prudenter bellandi comperti; xxxi. xi. 2, atque ilico ut oblatae occasionis maturitas postulabat, cum trecentenis militibus per singulos numeros lectis Sebastianus properare dispositus est; Zos. v. 45, ἔδοξε τῷ βασιλεῖ πέντε τῶν ἀπὸ Δελματίας στρατιωτικὰ τάγματα, τῆς οἰκείας μεταστέντα καθέδρας, ἐπὶ φυλακῇ τῆς Ῥώμης ἔλθειν. τὰ δὲ τάγματα ταῦτα ἐπλήρουν ἄνδρες ἐξακισχίλιοι; vi. 8, ἐξ τάγματα στρατιωτῶν προσωρμίσθησαν, πάλαι μὲν ἔτι περιόντος Στελίχωνος προσδοκώμενα, τότε δὲ πρὸς συμμαχίαν ἐκ τῆς ἐφ᾽ ἑαυτοὺς παραγενόμενα, χιλιάδων ἀριθμὸν ὄντα τεσσάρων.

175. See App. II, Table XV.

176. Agathias, v. 13 (cited in n. 168). Procopius's statement (*HA* xxiv. 13) that Justinian deprived the *limitanei* of τὸ τῆς στρατείας ὄνομα is borne out by the definition of *miles* in *CJ* iv. lxv. 35 (530).

177. JULIAN'S PERSIAN EXPEDITION: Zos. III. 12-13, ἔδοξεν οὖν ὀκτακισχιλίους καὶ μυρίους δπλίτας αὐτόθι καταλειφθῆναι, στρατηγεῖν δὲ τούτων Σεβαστιανὸν καὶ Προκόπιον, αὐτὸν δὲ ἅμα τῇ πάσῃ δυνάμει διὰ τοῦ Εὐφράτου χωρῆσαι, διχῇ διελόντα τὴν σὺν αὐτῷ στρατιάν, ὥστε πανταχόθεν, εἴ τινες τῶν πολεμίων φανεῖεν, εἶναι τοὺς τούτοις ἀνθισταμένους, καὶ μὴ ἐπ' ἀδείας τὰ προσπεσόντα καταδραμεῖν. ταῦτα ἐν Κάρραις διαθεῖς (ἡ δὲ πόλις διορίζει Ῥωμαίους καὶ Ἀσσυρίους) ἡβουλήθη τὸ στρατόπεδον ἐξ ἀπόπτου τινὸς θεωρῆσαι χωρίον, ἄρσασθαι δὲ τὰ πεζικὰ τάγματα καὶ τὰς τῶν ἵππεων ἵλας. ἦσαν δὲ ἅπαντες ἄνδρες πεντακισχίλιοι καὶ ἐξακισμύριοι. BARBATIO AND JULIAN: Amm. xvi. xi. 2, parte alia Barbatio post Silvani interitum promotus ad peditum magisterium ex Italia iussu principis cum XXV milibus armatorum Rauracos venit; xii. 2, Scutarius perfuga, qui commissi criminis metuens poenam transgressus ad eos post ducis fugati discessum armatorum tredecim milia tantum remansisse cum Iuliano docebat—is enim numerus eum sequebatur—barbara feritate certaminum rabiem undique concitante, Libanius (*Or.* xviii. 49) gives the figures as 30,000 and 15,000. STILICHO: Zos. v. 26, ἀναλαβὼν ὁ Στελίχων ἅπαν τὸ ἐν τῷ Τικλήνῳ τῆς Λιγυστικῆς ἐνιδρυμένον στρατόπεδον (ἦν δὲ εἰς ἀριθμὸν συνειλεγμένον τριάκοντα) καὶ ὅσον οἷός τε γέγονε συμμαχικὸν ἐξ Ἀλανῶν καὶ Οὐννων περιποιήσασθαι.

178. ANASTASIUS: Proc. BP i. viii. 4, στρατεύμα γὰρ τοιοῦτό φασιν οὔτε πρότερον οὔτε ὕστερον ἐπὶ Πέρσας Ῥωμαίους ξυστῆναι, Josh. Styl. 54, cf. the figures of bread baked in 54, 70, 77. JUSTINIAN IN THE EAST: Proc. BP i. xiii. 23, xviii. 5, ii. xxiv. 16; Agathias's (III. 8) figure of 50,000 men in Lazica in 554 is incredible, especially as Procopius (*BG* iv. xiii. 8) records only 12,000 in the same theatre in 551. ILLYRICUM: Marcell. Com., a. 499, Proc. BG iii. xxix. 3. AFRICA: Proc. BV i. xi. 2, 11-2, 19. ITALY: BG i. v. 2-4, iii. iii. 4, Agathias, ii. 4.

A good recent book on Rome in the later empire is A. Chastagnol, *La préfecture urbaine à Rome sous le bas-empire* (Paris, 1960), which deals with all aspects of the administration. There is no parallel work on Constantinople.

1. CLOTHING FACTORY AT ROME: *Not. Dig. Occ.* xi. 51.

2. The *Notitia Urbis Constantinopolitanae* (cited as *Not. Const.*) is printed in Seeck's *Notitia Dignitatum*, pp. 229-43. The *Notitia Regionum Urbis XIV* (cited as *Not. Rom.*) and the closely parallel document, the *Curiosum Urbis Regionum XIV*, are published by H. Jordan in *Topographie der Stadt Rom in Alterthum*, II. 551-74, and by A. Nordh in *Libellus de regionibus urbis Romae*, *Acta Inst. Rom. Regni Sueciae*, III (1949), 73-106. There is also a Syriac translation of the Breviarium or summary of this document in Zacharias of Mytilene (*Chron.* x. 6), which despite many fantastic mistranslations is sometimes useful, having apparently been taken from a rather fuller and more accurate version of the Breviarium than our own Latin text; a Latin translation is given in Jordan, op. cit. II. 575-7, Nordh, op. cit. 42-6. At Constantinople the numbers of *domus* given in the regions add up to the right total. At Rome the numbers of *domus* and *insulae* given region by region and in the total do not tally precisely, but the variations are not significant.

3. For the *praefectus urbi* see p. 380, and for his judicial duties pp. 481-2, 486, 490-1. His overriding control of the city is implied by *Not. Dig. Occ.* iv. and stated by Symm. *Rel.* 17, cum ad praefecturam urbanam civilium rerum summa pertineat, minoribus officiis certa quaedam membra creduntur.

4. *CTh* I. vi. 6, 368, illustris sinceritas tua quasi in speculis tuebitur, quemadmodum singuli, quibus intra urbem Romam publicum munus iniungimus, credito sibi famulentur officio: et si aliquis indignum administratione se gesserit, referre non differat, ut veritate comperta continuo alium idoneum vel tuae celsitudinis testimonio vel nostro dirigamus arbitrio; Symm. *Rel.* 17, *CTh* I. vi. 9, 385, disputari de principali iudicio non oportet: sacrilegii enim instar est dubitare, an is dignus sit, quem elegerit imperator. si quis igitur iudicum fuerit repertus, qui supercilium suum principali aestimet iudicio praeferendum, quinque libras auri eius officium, nisi formam nostrae sanctionis suggesserit, decem ipse fisci viribus inferre cogatur; Symm. *Rel.* 22 (*tribunus fori suarii*), 27, cf. *CTh* XIII. iii. 9, 370 (*archiater*).

5. CONFLICTS WITH THE PRAEFECTUS ANNONAE: *CTh* I. vi. 5, 365(S), studentibus nobis statum urbis et rationem annonariam aliquando firmare in animo subiit eiusdem annonae curam non omnibus deferre potestatibus. ac ne praefectura urbis abrogatum sibi aliquid putaret, si totum ad officium annonarium redundasset, eidem praefecturae sollicitudinis ac diligentiae necessitatem mandamus, sed non ita, ut lateat officium annonariae praefecturae, sed ut ambae potestates, in quantum sibi est negotii, tueantur annonam sitque societas muneris ita, ut inferior gradus meritum superioris agnoscat atque ita superior potestas se exserat, ut sciat ex ipso nomine, quid praefecto debeat annonae; 7, 376, suis partibus annonae praefectura moderatur, sed ita, ut ex veterum more praefecto urbis per publicum incedente honoris eius et loci gratia expansio panis habeatur. eatenus tamen praefecturam annonae cedere volumus dignitatis fastigio, ut curandi partibus non cedat. neque tamen apparitoribus urbanae praefecturae



annonarium officium inseratur, sed apparitorum aemulatione secreta ministerio suo annonae praefectura fungatur, non ut potentiae subiecta, sed ut negotii sui diligens tantumque se a contemptu vindicans, quantum non pergat in contumeliam superioris. praefectura autem urbis cunctis, quae intra urbem sunt, antecellat potestatibus, tantum ex omnibus parte delibans, quantum sine iniuria ac detrimento alieni honoris usurpet.

6. CONSULARIS AQUARUM: *Not. Dig. Occ.* iv. 11, *CTh* VIII. vii. 1, 315 (the same man is called *curator aquarum et Miniciae* in *CIL* VI. 37133), XV. ii. 1, 330, *ILS* 1223-4 (the same man is called *curator* in 8943), 2941, 5791; other *curatores* in *ILS* 643, 702, 1211. CURATOR RIPARUM, ETC.: *ILS* 1217, 1223, 1225 (the same man is *consularis* in 1224); *comes* in *Not. Dig. Occ.* iv. 6. CURATOR OPERUM: *Not. Dig. Occ.* iv. 12, 13, *ILS* 1211, 1223-5 (the same man is called *curator operum publicorum*, *consularis operum publicorum* and *curator operum maximorum*); *praefectus operum maximorum* in *ILS* 1250. CURATOR STATUARUM: *Not. Dig. Occ.* iv. 14, *ILS* 1222. CURATOR HORREORUM GALBIANORUM: *Not. Dig. Occ.* iv. 15.

7. PRAEFECTUS ANNONAE: *Not. Dig. Occ.* iv. 3, *CJ* III. xi. 3, 318, *CTh* XI. xxix. 2, III. i. 1 + XIV. iii. 1, 319, XIV. xxiv. 1, 328, XV. 2, 366, xvii. 3, 368, 6, 370, iii. 14, 372, 15, 377, *CJ* I. xxiii. 5, 385, *CTh* I. xii. 7, 399, XIV. iii. 21, 403, *ILS* 687, 707, 726, 805, 1214, 1228, 1231, 1257, 1272, 5694, 9355, Cass. *Var.* VI. 18. PRAEFECTUS VIGILUM: *Not. Dig. Occ.* iv. 4, *CTh* I. ii. 1, 313(S), II. x. 1 + 2, 319, XV. xiv. 3, 313(S), *ILS* 700, 765, Cass. *Var.* VII. 7. COMES FORMARUM: *Not. Dig. Occ.* iv. 5, *CIL* VI. 1765, Cass. *Var.* VII. 6; the *procurator aquarum* is last recorded c. 300 in *ILS* 2941. COMES PORTUS: *Not. Dig. Occ.* iv. 7, *ILS* 1250 (*comes portuum*), Cass. *Var.* VII. 9. CENTENARIUS PORTUS: *Not. Dig. Occ.* iv. 16.

8. TRIBUNUS FORI SUARII: *ILS* 722, Symm. *Rel.* 22, *Not. Dig. Occ.* iv. 10: cf. Zos. II. 9, Λουκιανόν, δς τοῦ χοιρείου κλέως ἦν χορηγός δ τὸ δημόσιον ἐπεδίδου τῷ Πομαίων δήμῳ. The *tribunus* in *CIL* VI. 1771 must be the *tribunus fori suarii*. TRIBUNUS RERUM NITENTIUM: *Not. Dig. Occ.* iv. 17, cf. Amm. XVI. vi. 2; the *formula comitivae Romanae* (Cass. *Var.* VII. 13) refers to him or the *curator statuarum*. TRIBUNUS VOLUPTATUM: *ILCV* 110, Cass. *Var.* VII. 10 (*formula tribuni voluptatum*), cf. VI. 19, at cum lascivae voluptates recipiant tribunum, hoc non meretur habere primarium? The office does not appear in *Not. Dig. Occ.* iv, and appears to be first mentioned in *CTh* XV. vii. 13, Diogeniano v. c. trib. volupt., mimas diversis adnotationibus liberatas ad proprium officium summa instantia revocari decernimus, ut voluptatibus populi ac festis diebus solitus ornatus deesse non possit. dat. VI Id. Feb. Ravennae Constantio v. c. cons.; acc. a tribuno volupt. X Kal. Feb. Karthagine post cons. Honorii VIII et Theodosii V AA (corrected by Seeck to 'post cons. ss.'). Under the Ostrogothic kingdom there were *tribuni voluptatum* in other large cities (Cass. *Var.* v. 25, Milan), but Diogenianus was probably not *tribunus voluptatum* of Carthage (which would have been mentioned in the title), but the *tribunus voluptatum*, probably recently created, of the capital, temporarily visiting Carthage (hence no doubt the long delay in delivering the letter; it must have been kept at Rome to await his return, and finally, when he did not come back in the autumn, sent on to Carthage in mid-winter).

9. MAGISTER CENSUS: *Not. Dig. Occ.* iv. 8, *CTh* XIV. ix. 1, 370. RATIONALIS VINORUM: *Not. Dig. Occ.* iv. 9.

10. OFFICIA: *CTh* VIII. vii. 1, 315, XV. ii. 1, 330 (of *cos. aquarum*), I. vi. 5, 365 (S), 7, 376 (of *praef. annonae*), Cass. *Var.* VII. 13 (of *comitiva Romana*). COURTS: *CTh* II. x. 1 + 2, 319 (of *praef. vigilum*), XI. xxix. 2, 319, *CJ* III. xi. 3, 318, Cass.

*Var.* vi. 18 (of *praef. annonae*). The *praef. vigilum* is a *v.p.* in *ILS* 765 (under Valentinian I), and the *praef. annonae* in *ILS* 687, 1214 (under Constantine): otherwise most recorded office holders are senators (e.g. *ILS* 1211, 1217, 1223-5, 1228, 1231, 1250, 1257, 1272). For the army surgeon see *Amm.* xvi. vi. 2.

11. FIRST PREFECT: *Chr. Min.* I. 239, *Soc.* II. 41. MAGISTER CENSUS: *CJ* I. iii. 31, 472, VIII. liii. 32, 496, I. ii. 17 §2 (Anastasius), VI. xxiii. 23, 524, IV. lxvi. 3 §3, 530, *Joh. Lydus, Mag.* II. 30, ἐκ τῆς φάλαγγος οὖν τῶν ἐν τῇ Ῥώμῃ πραιτόρων τὸν τοιτηλάριον προχειρίζεται <καὶ τὸν φιδεικομμισάριον>, τὸν μὲν Κωνσταντιανὸν τὸν δὲ μάγιστρον τοῦ κήρσον ἐπιφημίσας, οἷονεὶ ἄρχοντα τῶν ἀρχετύπων συμβολαίων, ὅτι κήρσον μὲν τὴν ἀπογραφὴν τῶν ἀρχείων, ἔρεσστα δὲ <τῶν πραττομένων> λέγουσι. καὶ σκριβαν μὲν ἐκεῖνω (ἀντὶ τοῦ ὑπογραφέα), κηρσουᾶλες δὲ τούτω (ἀντὶ τοῦ ἀρχαιοφύλακας) ὑπηρετεῖσθαι διώριαι. PRAEFECTUS ANNONAE: *CJ* XII. xix. 12 §1 (Anastasius), ita ut si de civilibus annonis vel tutela seu curatione vel novi operis nuntiatione litem eos subire contigerit, in maiore quidem iudicio ad similitudinem sumptuum, quos in iudicio eminentiae tuae dependere praecepti sunt, apud virum autem clarissimum praefectum annonae seu fisci patronum urbicariae magnificae praefecturae vel architectos pro modo eorum, quae super arbitris et litibus apud eos exercendis superius statuta sunt, solventes expensas nihil amplius agnoscere seu dependere cogantur; *Just. Nov.* lxxxviii §2, 539, ὁρῶμεν γὰρ σφόδρα συχναῖον τοῦτο ἐπὶ τῆς βασιλίδος ταύτης μάλιστα πόλεως, καὶ τινὰς παραγγέλλοντας τοῖς χορηγοῦσι τὸ δημόσιον σιτηρέσιον ἢ καὶ ψήφους ποριζομένοις παρὰ τοῦ τῶν ἀνόνων ὑπάρχον, βουλομένους ἀναρτηθῆναι τὴν χορηγίαν. PRAEFECTUS VIGILUM and PRAETOR PLEBIS: *Malalas*, 479, *Just. Nov.* xiii, 535, *Proc. HA* xx. 7-12, *Joh. Lydus, Mag.* II. 29. QUAESITOR: *Just. Nov.* lxxx, 539, *Proc. HA* xx. 7-12, *Joh. Lydus, Mag.* II. 29.

12. *ILS* 722, domino nostro Fl. Claudio Constantino fortissimo ac beatissimo Caesari, Fl. Ursacius *v.p.*, tribunus cohortium urbanarum X XI et XII et fori suari; *Symm. Rel.* 42, urbanarum dudum cohortium miles, *CTh* vi. xxvii. 8, 396 (*tribuni urbaniciani*).

13. LEONTIUS: *Amm.* xv. vii. 2-5. TERTULLUS: *Amm.* XIX. x. 2-3. VIVENTIUS: *Amm.* xxvii. iii. 11-13. THE ELDER SYMMACHUS: *Symm. Rel.* 23, 31. THE YOUNGER SYMMACHUS: *Coll. Avell.* 16, 32.

14. CHRYSOSTOM'S ARREST: *Pall. Dial.* p. 57.

15. POLICE OF CONSTANTINOPLE: *Not. Const.* ii. 21-6, curatorem unum qui totius regionis sollicitudinem gerat, vernaculum unum, velut servum in omnibus et internuntium regionis, . . . vicomagistros quinque quibus per noctem tuendae urbis cura mandata est (cf. iii. 19-22, etc.). John Chrysostom (*Hom. in Act.* xxvi. 4) alludes to τοὺς νυκτερινούς φύλακας of Constantinople, who περιῖσιν ἐν κρημῶ βοῶντες μεγάλα καὶ διὰ τῶν στενωπῶν βαδίζοντες. POLICE OF ROME: *Not. Rom.* vicomag. XLVIII, curat. II (in each region); in the Syriac Breviarium the *vicomagistri* are said to guard the city. CURATORES REGIONUM: *SHA, Sev. Alex.* 33, *ILS* 1209, 1216, *CIL* vi. 31958. PRIORES, PRIMATES, MAIORES REGIONUM: *Coll. Avell.* 14, admonui etiam corporatos, officio quoque interminatus sum, ac maiores deterrui regionum, ne quis quietem urbis vestrae perturbare temptaret, 21, monemus sane ut regionum primatibus evocatis disciplinae publicae quietique prospicias . . . in regionum quoque priores intelligent vindicandum, 31, primates vero regionum nisi spiritum plebis inconditae domuerint et frenarint sciant se raptos ultimo iudicio esse subdendos,

32, inrumpentibus corporatis et maioribus regionum qui praeceptis imperialibus serviunt.

16. VIGILES: *CIL* VI. 31075, descriptio fer[iarum] quae in cohorte [. . .] Cl. Mamertino e[st] Fl. Nevitta] coss. matronae cum carpentis, sifon[arii], falc[arii], unc[inari]i; cf. also *CIL* XIV. 231, Fl. Honorio n. p. et Fl. Eubodio cons. Flaviis Adeodato cent. coh. VII et Cr[ispino] coh. II. TRIBUNI VIGILUM: *CJ* XII. liv. 4, 443. COLLEGIATI: *Not. Const.* II. 25, collegiatos viginti quinque qui e diversis corporibus ordinati incendiorum solent casibus subvenire (cf. III. 21, etc.); Joh. Lydus, *Mag.* I. 50, *ὅτι δὲ ἀληθὴς ὁ λόγος ἐστὶ, καὶ νῦν τοιούτου τινὸς ἀελ συμβαίνοντος ἀνὰ τὴν πόλιν οἱ πυρὸν ἐπικαίρων ἐξ αὐτῶν εὐρισκόμενοι βοῶντες τῇ πατρίῳ Ῥωμαίων φωνῇ, omnes collegiati οἷον εἰπεῖν "πάντες ἐταῖροι συνδράμετε"; Symm. *Rel.* 14, per alios fortuita arcentur incendia; *CTh* XIV. viii. 2, 369 (*centonarii*). There is no mention of firefighting in *Just. Nov.* XIII (in §4 the *praetor plebis* is only to prevent looting when a fire occurs) or in *Cass. Var.* VII. 7.*

17. MAINTENANCE: *CTh* XV. II. 1, 330, *Cass. Var.* VII. 6; cf. *CJ* XI. xliii. 6 §1, 440, 10 §2 (474-491), for the rule against trees. The *caespes formensis* of Val. III, *Nov.* V §4, 440, is the land subject to the duty of cleaning the aqueducts. AQUEDUCT OF VALENS: *Them. Or.* XI. 151; OF THEODOSIUS I: *CTh* VI. IV. 29, 30, 396 (payments by praetors). PAYMENTS BY CONSULS: *CJ* XII. III. 2 §3, 452, 3 §1, 4 §1 (476-84). AQUEDUCT TAXES: *CJ* XI. xliii. 7 (445-7), ad reparationem aquaeductus huius almae urbis omnia vectigalia, quae colligi possunt ex universis scalis huius inclitae urbis et ex operariis qui Cyziceni dicuntur, ad refectionem eiusdem aquaeductus procedere; the fund was under a special *arcarius* (*CJ* XI. xliii. 8 (474-91), separatus vero arcarius aurum aquaeductus suscipiat gloriosissimorum consulum liberalitate vel ex aliis titulis ad aquas publicas pertinentibus collectum vel postea colligendum). ROMAN AQUEDUCT FUND: Symm. *Rel.* 20, ex formarum conditis. AQUARII: *CJ* XI. xliii. 10 §§4, 5 (474-91), universos autem aquarios vel aquarum custodes, quos hydrophylacas nominant, qui omnium aquaeductuum huius regiae urbis custodiae deputati sunt, singulis manibus eorum felici nomine nostrae pietatis impresso signari decernimus, ut huiusmodi adnotatione manifesti sint omnibus nec a procuratoribus domorum vel quolibet alio ad usus alios avellantur vel angariarum vel operarum nomine teneantur. quod si quem ex isdem aquariis mori contigerit, eum nihilo minus qui in locum defuncti subrogatur signo eodem notari praecipimus, ut militiae quodammodo sociati excubiis aquae custodiendae incessanter inhaereant nec muneribus aliis occupentur; *Cass. Var.* III. 31, mancipia formarum servitio principum provisione deputata.

18. AQUA HADRIANA: *CJ* XI. xliii. 6, 440. LACUS: *Not. Rom.* PRIVATE SUPPLY BY LICENCE: *CTh* XV. II. 5, 389, 6, 395, *CJ* XI. xliii. 5, 6, 440, 9 (474-91), 11 (506-18). DIAMETER OF PIPES: *CTh* XV. II. 3, 382.

19. On the arrangement under the Principate see D. van Berchem, *Les distributions de blé et d'argent à la plèbe romaine sous l'empire* (Geneva, 1939). GRADUS and PANES GRADILES: *CTh* XIV. xvii. 2-6. The number of recipients was probably the same for bread as for pork, for which see n. 35. THE RATION: *CTh* XIV. xvii. 5, 369, civis Romanus, qui in viginti panibus sordidis, qui nunc dicuntur ardinenses, quinquaginta uncias comparabat, triginta et sex uncias in bucellis sex mundis sine pretio consequatur. EXCLUSION OF UNQUALIFIED PERSONS: *CTh* XIV. xvii. 5, 369, 6, 370.

20. DISTRIBUTION STARTED: *Chron. Min.* I. 234. GRADUS: *Not. Const.* II. 20, III. 18, etc. NUMBER OF RECIPIENTS: *Soc.* II. 13, *ἐξημίωσε δὲ τὴν πόλιν, ἀφελὼν τοῦ*

σιτηρεσιον τοῦ παρασχεθέντος παρὰ τοῦ πατρὸς αὐτοῦ ἡμερησίον ὑπὲρ τέσσαρας μυριάδας· ὁκτώ γὰρ ἑγγύς μυριάδες ἐχορηγοῦντο πρότερον τοῦ σίτου ἐκ τῆς Ἀλεξανδρέων κομιζομένου πόλεως; that 80,000 rations (ἄρτοι) are meant is indicated by the *Vita Pauli* (PG CIV. 124), ἦν δὲ τὸ ὅλον τῆς δωρεᾶς ἡμερηῖοι ἄρτοι μυριάδες ὁκτώ. THEODOSIUS'S INCREMENT: *CJ* XI. XXV. 2, 392, cf. *CTh* XIV. xvii. 14, 402, xvi. 2, 416. SALE OF TICKETS PROHIBITED: *CTh* XIV. xvii. 7, 372, vendendi de reliquo popularibus annonam consuetudinem derogamus, ut huiusmodi celebrata venditio omni careat firmitate. verum si quis urbe abeundum esse crediderit, panes ceteraque quae percipit in horreorum conditis reserventur, poscentibus iuxta legem eiusdem ordinis hominibus deferenda. quin lege proposita etiam quae fuerint fortasse distractae, ad originem propriam iusque revocamus, si quidem iustum est, ut in perpetuum suum quisque detineat et per succedaneas vices proprius ordo teneat, ut palatinus palatini, militis vero militaris, popularem annonam popularis exposcat nec alter alterius sibi expetens diversorum ordinum valeat miscere rationem: lapse on death is implied by law 8, 380, si quis ex schola defecerit mortemque obierit, non ab alio corpore vacantes flagitentur annonae, sed ipsis scholis cessurae dividendaeque perdurent, if these *annonae* were classified as *populares*. It appears from laws 9 (quod alii eas putarunt tamquam proprias distrahendae, alii per successionum gradus hereditarium ius venire) and 10 (quicumque perceptarum annonarum emolumenta vel in heredes proprios iure sanguinis transfuderunt vel in extraneos distractionis titulo transcripserunt) of the same title that by 389 and 392 the inheritance and sale of *annonae civicae* was permitted normally, and this term seems to cover *populares* (see n. 22). ANNONAE CIVICAE HELD BY CHURCHES: *CJ* I. ii. 14 pr., 470, 17 §1 (Anastasius), Just. Nov. vii §1, 535; cf. *V. Olymp.* 7, *Anal. Boll.* xvi (1897), 45, Joh. Eph. *HE* II. 41, for gifts of πολιτικοὶ ἄρτοι to churches.

21. PANES AEDIIUM AT CONSTANTINOPLE: *CTh* XIV. xvii. 1, 364, quia comperimus nonnullos venditis aedibus panes earum penes se retinere, nulli liceat, ut aedes sequantur annonae. sane si qui ex huiusmodi titulo caduci sint panes, fisci viribus vindicentur; cf. 11 and 12, 393, si quae speciatim annonae domus in hac urbe habentibus divae memoriae Constantini vel Constantii largitate concessae sunt atque in heredes proprios iure successionis vel in extraneos venditionis titulo transierunt, erogatione solita ministrentur, 13, 396; law 12 seems to make old *panes aediium* freely alienable, but 13 restricts the grant of new *annonae* (in this class presumably) to house owners. PANES AEDIFICIORUM AT ROME: *CTh* XIV. xvii. 5, 369. GRANT OF ANNONAE TO STATE EMPLOYEES: *CTh* XIV. ix. 2, 372.

22 The term *civ cae* (*annonae*) is used to describe rations granted to builders of houses (*CTh* XIV. xvii. 11, 13), to holders of posts (laws 9 and 10), and to individuals unconditionally (law 10); these last are probably to be identified with *panes populares* (a term only used in *CTh* XIV. ix. 2 + xvii. 7, 372) and not to be made into yet another category. The word *civicae* was probably therefore used to denote any rations connected with the city, as opposed to *militares annonae*; it is applied to the *annonae* held by the churches (see n. 20), which were not allowed to hold military *annonae* (*CJ* I. ii. 20 (528–9), μηδὲ ἀπὸ θεῶν τῶν ἡ ἀρχικῆς προστάξεως ἢ οἰονδήποτε δικαστηρίου στρατιωτικῆς σίτησις εἰς ἐκκληρίους οἶκους ἢ κληρικούς ἢ μοναστήρια μεταγέσθω, ὡς ἐλλειπόντων δῆθεν τοῖς ἀριθμοῖς σωματεῶν), and in what appears to be an inclusive sense in Just. Nov. lxxxviii §2, 539. THE ANNONAE OF THE SCHOLAE: *CTh* XIV. xvii. 8, 380, 9, 389, 10, 392 (= *CJ* XI. XXV. 1), 11, 393, 12, 393.

23. PRAEFECTUS ANNONAE AFRICAE: *CTh* XI. i. 13, 365, I. XV. 10, 379 (collection of *canon*), XIII. ix. 2, 372 (shipment to Portus); he was under the disposition of the *Ppo. It.* (*Not. Dig. Occ.* ii. 41), who was ultimately responsible for filling the granaries of Rome (cf. Symm. *Ep.* i. 61, thanking Probus, *Ppo. It.* and Cass. *Var.* vi. 18, *triticeas quidem copias praefectura praetoriana procurat*). There are many other allusions to Africa (e.g. Symm. *Rel.* 18, *Ep.* iv. 54, vii. 68). Supplies were sometimes drawn from Sardinia (Symm. *Ep.* ix. 42) and Spain (*CTh* XIII. v. 4, 324), and under Theoderic Spain was apparently the main source (Cass. *Var.* v. 35). For the collection and shipment from Egypt the main authority is Just. *Ed.* xiii; the *praefectus Augustalis* is here responsible, the *praefectus annonae Alexandriae* (see ch. XIII, n. 98) having apparently ceased to exist. The figure of 8,000,000 is given in §8 of the Edict (the unit implied is *artabae*, see ch. XIII, n. 126). I have based my calculations on the fact that one *artaba* made 80 lb. of bread (*P. Oxy.* 1920), and one *modius* therefore 24, so that a daily ration of 3 lb. would require 45 *modii* a year, rather more than the standard ration of 10 *artabae* or 40 *modii*. THE ROMAN CANON UNDER SEVERUS: SHA, *Severus*, 23.

24. CORN FUND OF CONSTANTINOPLE: *CTh* XIV. xvi. 1, 409, 3, 434, cf. Joh. Lydus, *Mag.* III. 38 for John's attempt to annex τὸ σιτωνικόν.

25. SACCARII: *CTh* XIV. xxii. 1, 364, *omnia, quaecumque advexerint privati ad Portum urbis aeternae, per ipsos saccarios vel eos, qui se huic corpori permiscere desiderant, magnificentia tua iubeat comportari et pro temporum varietate mercedes considerata iusta aestimatione taxari, ita ut, si claruerit aliquem privatum per suos adventicias species comportare, quinta pars eius speciei fisco lucrativa vindicetur*. MENSORES AND CAUDICARII: *ILS* 1272, *hinc etiam factum est, ut mensores nos Portuenses, quib. vetus fuit cum caudicariis diuturnumq. luctamen, voti conpotes abiremus, ut utrumq. corpus et beneficio se et victoria gratuletur adfectum*, *CTh* XIV. iv. 9, 417, *ad excludendas patronorum caudiciorum fraudes et Portuensium furta mensorum unus e patronis totius consensu corporis eligatur, qui per quinquennium custodiam Portuensium suscipiat conditorum, clandestinum ad collegas digma missurus, ne quid ex specie fraus occulta vectorum pessimae qualitatis immutet*, cf. also XIV. xv. 1, 364 (cited in n. 31), and for the *caudicarii* XIV. iii. 2, 355. CATABOLENSES: *CTh* XIV. iii. 9, 10, 370.

26. In *Not. Rom.* the *pistrina* recorded region by region come to 274; the total is wrongly given as 254 in the Breviarium, but correctly in the Syriac version, which also states that public bakeries are meant. PISTORES CALLED MANCIPES: *CTh* XIV. iii. 18, 386, Soc. v. 18, cf. *CTh* XIV. xvii. 3, 368 (*conductores*). ANIMALS AND SLAVES: *CTh* XIV. iii. 7, 364 (cited in n. 29). CON-VICTS: *CTh* IX. xl. 3, 319, 5, 6 and 7, 364. KIDNAPPING: Soc. v. 18. WATER-MILLS: *CTh* XIV. xv. 4, 398, Proc. BG I. xix. 19 ff. As a result of the change to watermills it would appear that the processes of milling, which had to be carried out on the Janiculum, and of baking, which went on in the old bakeries, were separated, and that a separate guild of *molendinarii* was instituted; see *CIL* VI. 1711, Claudius Iulius Ecclesius Dynamius v.c. et inl. urbi praefectus dicit: *amore patriae compulsi, ne quid diligentiae deesse videatur, studio nostro adici novimus, ut omnium molendiniorum fraudes amputentur, quas subinde venerabili populo atque universitati fieri suggerentibus nobis agnovimus, et ideo stateras fieri praecepimus, quas in Ianiculo constitui nostra praecepit auctoritas; unde hoc programme universitatem nosse decernimus frumenta cum ad haec loca conterenda detulerint, consueta fraudibus licentia quo modo*

possit amoveri: primo pensare non differant, deinde postquam fregerint, propter fidem integrae observationis adhibitis isdem ponderibus agnoscant nihil sibi abstulisse licentiam fraudatorum. accipere autem secundum constitutum brevem molendinarios tam in Ianiculo quam per diversa praecipimus per modium unum nummos III, ita quod si quis eorum illicita praesumptione farinam crediderit postulandam, deprehensus et multae subiaceat et fustuario supplicio se noverit esse subdendum. illud autem humanitas nostra propter corporatorum levamen adicit ut, si qui voluntate propria, non compulsus, sed donandi animo farinam offerre voluerit, habeat qui accipit liberam facultatem.

27. TRAJAN'S PRIVILEGES: Gaius, I. 34, *Fr. Vat.* 233, 235, 237. PROPERTY OF PISTORES: *CTh* XIII. v. 2, 315, XIV. iii. 1, 319, 2, 355, 3, 364, 13, 369, 14, 372, 21, 403.

28. DECURIAE: *CTh* XIV. iii. 18, 386. THE CHURCH: *tit. cit.* 11, 365. VOTE OF THE GUILD: *tit. cit.* 8, 365, cf. 21, 403. IMPERIAL RESCRIPT: *tit. cit.* 6, 364, 20, 398, cf. 21, 403. RECRUITS FROM AFRICA: *tit. cit.* 12, 370, ad Claudium proc. Afric., secundum parentis nostri Constantini divale praeceptum omnibus lustris pistores ex officio, quod ei corpori constat addictum, ad urbem sacratissimam destinentur. in quo illud convenit praecaveri, ne quis hanc, quae personalis est, functionem pretio putet esse taxandam. veniant suo tempore, quos causa constringit et ita veniant, ut eos officium, quod tibi paret, pistorum patronis atque annonae praefecto apud publica monumenta consignet; 17, 380, iudices Africanos laudabilis sinceritas tua huiusmodi interminatione conterreat, ut, nisi tempore solito debitos pistores venerabilis Romae usibus dirigere curaverint, sciant se ipsos quinquaginta argenti librarum officiumque eorum pari condemnatione multandum; cf. Val. III, *Nov.* xxxiv §4, 451, for *praedia pistoria* in Africa.

29. The bakeries seem to have been occupied in rotation by seniority, see *CTh* XIV. iii. 7, 364, post quinquenni tempus emensum unus prior e patronis pistorum otio et quiete donetur, ita ut ei qui sequitur officium cum animalibus servis molis fundis dotalibus, pistrinorum postremo omnem enthecā tradat atque consignet; law 8, 365, ne illud quidem cuiquam concedi oportet, ut ab officina ad aliam possit transitum facere, presumably refers to jumping the queue by illicit transfers. FUNDI DOTALES: *CTh* XIV. iii. 7 (cited above), 13, 369, non ea sola pistrini sint vel fuisse videantur, quae in originem adscripta corpori dotis nomen et speciem etiam nunc retentant, sed etiam ea, quae ex successione pistorum ad heredes eorum vel quos alios devoluta noscuntur, 19, 396, pistores urbis aeternae praetermissa veteri consuetudine fundis vel praediis ad nihilum redactis, quae eorum corpori solacia certa praebebant, Cass. *Var.* VI. 18, pistorum iura . . . quae per diversas mundi partes possessione latissima tendebantur. Estates might be assigned to the guild corporately by *CTh* XIII. v. 2, 315, and apparently by XIV. iii. 21, 403.

30. BANKRUPTS: *CTh* XIV. iii. 15, 377. SENATORS: *tit. cit.* 4, 364; cf. *Amm.* XXVII. iii. 2, Terentius enim humili genere in urbe natus et pistor ad vicem praemii, quia peculatus reum detulerat Orfitum ex praefecto, hanc eandem provinciam correctoris administraverat potestate.

31. PANIS OSTIENSIS ATQUE FISCALIS: *CTh* XIV. XIX. 1, 398. CHEAP CORN: *CTh* XIV. XV. 1, 364, ne pessimus panis populi Romani usibus ministretur, sola (solita?) ducentena milia modiorum frumenti integri atque intemerati iuxta priscum morem mensores et caudicarii levioribus pretiis pistoribus venundare

cogantur. This is a very puzzling law. The *mensores* and *caudicarii* must presumably have acted as government agents, being debited with the value of the corn imported (less that required for the free distribution?) and authorised to sell it, part at fixed prices, the rest for what it would fetch: some such arrangement would explain their anxiety to palm off rotten corn on the bakers (see n. 25). The figure is very odd too. Does it mean that 200,000 *modii* (presumably per annum) were to be sold by each guild or to each baker? In the first case the amount is so small as hardly to help the bakers, in the latter, if the bakers really numbered 274, far too great. Perhaps the number of bakers had by this date greatly diminished. ARCA FRUMENTARIA: *CTh* XII. xi. 2, 386.

32. COMES HORREORUM: *CJ* XI. xvi. 1 (457-65); five *horrea* are recorded in the *Not. Const.* (vi. 15-17, x. 6, 9) besides the *horrea olearia*. BAKERS: *Not. Const.* ii. 18-19, iii. 17 etc.; the totals by regions come to 21 public and 114 private, those in the summary are 20 and 120 (xvi. 40-41). MANCIPES: *CTh* XIV. xvi. 2, 416, 3, 434, *CJ* XI. xvi. 1 (457-65).

33. OIL ISSUE: SHA, *Severus*, 18, populo Romano diurnum oleum gratuitum ei iucundissimum in aeternum donavit, Symm. *Rel.* 35, frumenti cotidianus usus in facili est; olei tantum species victum plebis tenuiter invecta sollicitat. cuius rei v.c. praefectus annonae, partium suarum diligens executor, praetorianae amplissimae praefecturae, ut ipse adserit, dudum fecit indicium missis de more brevibus. . . . ut quam primum iudices Africanos super hac specie Romanis horreis inferenda divinus sermo destimulet. nam properato opus est priusquam reliquum profligat diurna praebitio; cf. *Rel.* 14, frugis et olei baiulos, and for the *canon olearius*, *CTh* XIV. xv. 3, 397. MENSAR OLEARIAE: *CTh* XIV. xxiv. 1, 328; their number is recorded in the Syriac Breviarium. ARCA OLEARIA: *CTh* XII. xi. 2, 386. For Constantinople there is only the very obscure law, *CTh* XIV. xvii. 15, 408, and the *horrea olearia* (*Not. Const.* vi. 13).

34. BUTCHERS' GUILDS: Symm. *Rel.* 14, hic lanati pecoris invector est, ille ad victum populi cogit armentum, hos suillae carnis tenet functio, cf. *CTh* XIV. iv. 10 §1, 419, for the *pecuarii*. PORK ISSUE: SHA, *Aurelianus*, 35. SEVERUS AND THE SUARII: *Fr. Vat.* 236-7. PROPERTY OF SUARII: *CTh* XIV. iv. 1, 334, 5, 389, 7, 397, 8, 408. PROHIBITION OF HONORES, MILITIAE AND THE CHURCH: *CTh* XIV. iv. 8, 408.

35. DISTRIBUTION OF PORK: *CTh* XIV. iv. 10 §3, 419, per quinque autem menses quinas in obsoniis libras carnis possessor (this must be wrong, perhaps inserted from the line below) accipiat, ne per minutias exigui ponderis amplius fraus occulta decerpatur, §5, quattuor milia sane obsoniorum, amputatis superfluis ac domus nostrae perceptionibus, diurna sublimitas tua decernat, quibus copiis populus animetur. Recipients get their ration of 5 lb. once a month, 4,000 issues are made daily, and therefore 120,000 monthly. These figures tally with Val. III, *Nov.* xxxvi §2, 452, ita ut centum quinquaginta diebus obsoniorum praebitionem sine ulla causatione singulis annis a se noverint procurandam, quae quantitas in tricies sexies centenis viginti novem milibus libris cum duarum decimarum ratione colligitur. The 4,000 rations of 5 lb. daily for 150 days (5 months) come to 3,000,000 lb., to which must be added two allowances of 10%, making 3,000,000 + 300,000 + 330,000 = 3,630,000: I do not understand by what arithmetical error the imperial accountants reached the curious figure of 3,629,000. PROVINCES LIABLE TO THE LEVY: *CTh* XIV. iv. 3, 363 (Campania), 4, 367 (Lucania and Bruttium), Val. III, *Nov.* xxxvi §1, 452 (Campania, Samnium, Lucania), Cass. *Var.* XI. 39 (Lucania had provided pork, Bruttium beef). There

is no allusion to the pork supply of Constantinople except *CTh* viii. vii. 22, 426, *suarii* etiam et optiones per omnes regiones urbis Constantinopolitanae: the *suarii* appear to have been officials appointed by *probatoriae*.

36. CONSTANTINE'S LAW: *CTh* xiv. iv. 2, 324, in arbitrio suo possessor habeat, ne suario pecuniam solvat, quod ideo permissum est, ne in aestimando porcorum pondere licentia suarii praebeatur. quod si iuste porcos suarius aestimaverit, huic pecuniam possessor, cui pensationis utriusque copia est indulta, numerabit. ne autem suario in suscipienda pecunia detrimenti aliquid adferatur, singulis quibusque annis ea pretia porcinae possessor adnumeret, quae usus publicae conversationis adtulerit. et quoniam non semper nec in omnibus locis una est forma pretiorum, pro diversitate locorum et temporum in specie pretia danda sunt, nisi ipsa porcina praestetur. iudices autem regionum monendi sunt, ut per singulos annos ad scientiam tuam referant, quae in quibus locis sunt pretia porcinae, ut instructione hac a tua gravitate perpensa tunc demum suarii per diversa profiscantur et pretia suscipiant, quae in his regionibus versari cognoveris. queri enim suarii non poterunt, quia nihil interest, carius an villius comparent, cum, quantum pretium daturi sunt, a possessore accipiant; et possessores erunt moderati in specie distrahenda, cum se sciant, quanto maiora pretia pro carne poposcerint, tanto plus suariis soluturos. JULIAN'S LAW: *CTh* xiv. iv. 3, 363; by this the whole levy was compulsorily commuted at the prices prevailing in the provinces where the levy was made. For the edict of Turcius Apronianus and Valentinian I's law see n. 37, and for Valentinian III's law see n. 38. HONORIUS'S LAW: *CTh* xiv. iv. 10, 419; this also prescribes commutation. WEIGHING OF PIGS: *CTh* xiv. iv. 4 §2, 367, quibus in rebus illud quoque a decessore tuo salubriter institutum est, quo suariis aestimandi licentia denegetur pondusque porcorum trutiniae examine, non oculorum libertate quaeratur, ita videlicet, ut ne volenti quidem possessori tradere animal liceat, cuius modum non prius ponderatione certa deciderit suarius. animal vero a possessore tradendum ob digeriem prius unius noctis tantum ieiunitate vacuetur.

37. VALENTINIAN I'S LAW: *CTh* xiv. iv. 4, 367, per singulas et semis decimas, quibus suariorum dispendia sarciantur, damnum, quod inter susceptionem et erogationem necessario evenit, vini, hoc est septem et decem milium amphorarum perceptione relevetur (§§1 and 2 deal with commutation of the wine levy and the weighing of pigs), §3, illud quoque salubris Constantinianae legis forma compescat, videlicet ut cum possessore, cui commodioris pretii beneficia indulta a veteribus principibus praerogativa providit, proprium ordo decadat ac transigat isque ordo suariis, quibuscum habet vini emolumenta communia, aut legitimum pretium, id est Romani fori, cui carnem fuerat inlaturus, tradat, aut carnem debitam subministret. TURCIUS APRONIANUS'S EDICT: *CIL* vi. 1771, cum suarios damnis videremus adfectos et eos etiam ordines, qui suariam faciunt, providimus his levamen ex titulo canonico vinario, ut viginti quinque milia amforum annua consequantur, sub ea divisione, ut duae partes suariis, tertia vero his ordinibus proficiat, qui suariam recognoscunt, ita ut idem ordines iuxta consuetudinem tam proprium quod appellatur quam annonas exsolvant et moderatione adhibita perinde a possessore suscipiant adque accipere sunt soliti. I do not profess to understand all this, but I would prefer to read 'praeter' instead of 'per' in the first sentence of the law, translating: 'besides the 15% whereby the expenses of the *suarii* are made good, the loss which inevitably occurs between collection and distribution is to be relieved by a grant of 17,000 amphorae of wine'. The allowance of 15% is mentioned again in §4, where it is implied that the *ordo*, if it delivered pigs in kind, had to supply a 15% supplement (in kind). According to §3, if money was paid, the *ordo*



paid the *suarii* the higher Roman price, but the *possessor* paid the *ordo* the lower local price. The difference between the two prices appears to be called the *proprium*, and was met by the *ordo* out of its share of the wine grant. Similarly if the *ordo* paid in kind, it would presumably supply the 15 % supplement from the wine grant. The 15 % supplement was apparently later increased to the *duae decimae* of Val. III, Nov. xxxvi §2.

38. Val. III, Nov. xxxvi, 452.

39. *CTh* XIV. IV. 3, 363, ea pretia, quae in Campania per singulos annos repperiuntur, suariis urbis Romae debent solvi, ita ut periculo suariorum populo porcinae species adfatim praebeatur. et quia officialibus pro omni supplicio sufficit direptorum restitutio, quidquid ultra senos folles per singulas libras claruerit flagitatum, id fisci viribus protinus vindicetur. exactio autem nummaria non per officium tuum vel ipsos suarios sed per officiales consularis iuxta praeceptum nostrae mansuetudinis competentem sortiatur effectum. nam quia maiorum potestatum officiales solent esse provincialibus perniciosi, per ordinarios iudices adque curias etiam hanc exactionem convenit celebrari; *CIL* VI. 1771, interdicentes ne enormia illa indebitaque praestentur, quae tam tribunus quam patroni diversi et varia consequebantur officia; contra quod interdictum si qui ausi fuerint de communi largiri, et scribae quidem ceterique poenae subiaceant; *CTh* XIV. IV. 10 §4, 419, primiscrinii quoque tam inlustris urbanae sedis quam spectabilis vicariae potestatis, nisi anno militiae finali institerint, ad suppleendam summam praeteritae dissimulationis artentur, ut ex propriis facultatibus debita suariae functionis exsolvant, quae neglexerunt flagitare dum militabant, privilegia etiam militiae perdituri.

40. VINA FISCALIA: SHA, *Aurelianus*, 47-8. WINE LEVY: *CTh* XI. II. 1 and 2, 365, 3, 377, *CIL* VI. 1771, ex titulo canonico vinario. *CIL* VI. 1784-5 are apparently regulations for the wine levy, fixing fees for the various persons concerned in receiving and storing the wine, the drawers (austoribus in cupa una numm. XXX), the tally clerks (tabulariis in singulis apocis numm. XX), the cooper (exasciatori in cupa una numm. X), the porters who carried the barrels from the docks to the temple of the Sun (falancariis qui de ciconiis ad templum cupas referre consueverint), the nightwatchmen (custodibus cuparum), and the tax accountants (professionariis de ciconiis statim ut advenierit vinum in una cupa numm. CXX); the wine evidently arrived in jars, supplied by the taxpayer, and was transferred to casks after tasting (de ampullis placuit ut post degustationem possessori reddantur). REDUCED PRICE: *CTh* XI. II. 2, 365, in tantumque populi usibus profutura provisionis nostrae emolumenta porreximus, ut etiam pretio laxamenta tribuantur. sanximus quippe, ut per vini singulas qualitates detracta quarta pretiorum, quae habentur in foro rerum venalium, eadem species a mercantibus comparetur.

41. PAYMENTS IN WINE: *CIL* VI. 1771, *CTh* XIV. IV. 4, 367 (*suarii*), VI. 3, 365, statum urbis aeternae reformare cupientes ac providere publicorum moenium dignitati iubemus, ut calcis coctoribus vectoribusque per singulas vehes singuli solidi praebeantur, ex quibus tres partes inferant possessores, quarta ex eius vini pretio sumatur, quod consuevit ex arca vinaria ministrari. ARCA VINARIA: Symm. *Rel.* 29 (*collectarii*), 34, *Ep.* IX. 150 (debt to the *largitiones*), *CTh* XIV. VI. 3, 365 (money payment to *calcis coctores*), cf. also Anon. Val. 67, ad restaurationem palatii, seu ad recuperationem moeniae civitatis singulis annis libras ducentas de arca vinaria dari praecepit.

42. THERMAE: *Not. Const.* II. 13, III. 10, VI. 7, 10, VIII. 17, X. 8, XI. 10, XIV.

10, xv. 16, xvi. 25. PRIVATE BATHS: *Not. Rom.* (the regional and grand totals do not tally), *Not. Const.* ii. 17, iii. 16, etc. (the total in the regions agrees with the summary). MANCIPES SALINARUM: *CTh* XIV. v. 1, 370, quidquid erga mancipēs, qui thermarum exhibitionem Romae curant, in exercitio compendiiisque salinarum scitis priorum principum cautum est, aeterna sanctione firmamus, Symm. *Ep.* ix. 103, totis viribus adiuvandi sunt communis patriae corporati, praecipue mancipēs salinarum, qui exercent lavacra lignorum praebitione. NAVICULARII: *CTh* XIII. v. 13, 369, ad Olybrium PU, sicut olim de linteonibus et naviculariis divus Constantinus instituit, ita nunc ex omnibus sexaginta ad praesentis necessitatis teneantur impensas, quos tamen idoneos et communis delectus adseruit et facultatum inspectio comprobavit et sententia tuae sublimitatis adstruxit. quibus, si quem aut necessitas fatalis aut inopia repentina aut aliquis casus inviderit, ex vocationibus obnoxiiis oportebit idoneum subrogari. sed sollicita inspectione prospiciatur, ne a quoquam amplius postuletur quam necessitas exegit lavacrorum vel instituta iamdudum forma praescipit; Symm. *Rel.* 44; the same guild is probably referred to in *CTh* XIII. v. 11, 365, ad Symmachum PU, and Val. III, *Nov.* xxix, 450, Epitynchano PU, publicis commodis et sacratissimae urbis utilitatibus amica suggestio magnitudinis tuae clementiam nostram more solitae provisionis admonuit, ut naviculariorum corpori per tot detrimenta lassato remedia praestarem (they are called in the title *navicularii amici*).

43. LUDI: *Not. Rom.*, ludum matutinum, ludum magnum, *CTh* xv. xii. 3, 397. WILD BEASTS: *CTh* xv. xi. 1, 414, 2, 417.

44. STABLES: *Not. Rom.*, stabula IV factionum. RACE HORSES: *CTh* xv. x. 1, 371, Palmatis adque Hermogenis equis, quos in curulis certaminis sorte vel contentionis incertum vel annorum series vel diversa ratio debiles fecit, ex horreis fiscalibus alimoniam praebere decrevimus, equos vero Hispani sanguinis vendendi solitam factionariis copiam non negamus. illud quoque sinceritas tua praecipiat observari, ne Graecorum equorum nomina, qui hinc missi fuerint, commutentur; vii. 6, 381, equos, quos ad sollemne certamen vel mansuetudinis nostrae largitio subministrat vel diversorum ex amplissimo ordine magistratum, hactenus ad copiam providendos serenitas nostra decrevit, ut, quidquid illud est, quod palmarum numero gloriosum et celebratis utrimque victoriis nobile congregatur, spectaculis potius urbanae plebis inserviat quam praedae atque compendio deputetur. quisquis igitur ex eo, quod vel serenitas nostra vel ordinarii consules vel praetores in huiusmodi tribuunt voluptates, quamlibet commodis compendioque privato derivandam duxerit esse iacturam, unius auri librae condemnatione multatus largitionibus nostris cogatur esse munificus; x. 2, 381, equos voluptatibus profuturos nequaquam Campanorum populus adsequatur, quam si duo milia modiorum fabae per singulas factiones stabulorum in urbe venerabili necessaria antiqua et sollemni praebitione contulerint. ACTUarii EQUORUM CURULIUM AND THYMELAE: *CTh* VIII. vii. 22, 426. For the *tribunus voluptatum* see n. 8.

45. See pp. 537-9.

46. PROFESSORS: Suet. *Vesp.* 18, Symm. *Ep.* i. 79, Priscianus frater meus cum primis philosophorum litteratura et honestate censendus senatu auctore salarii emolumenta consequitur. super eius annonis dicitur orta dubitatio, cui si nihil talis compendii optimatium voluntas ante tribuisset, eruditio tua fructum ferre deberet. scis enim bonas artes honore nutriri atque hoc specimen florentis esse reipublicae, ut disciplinarum professoribus praemia opulenta pendantur. quaeso

igitur, ne hac inquietudine aut illius minuatur utilitas aut amplissimo ordini censendi auctoritas derogetur; Cass. *Var.* ix. 21, qua de re, patres conscripti, hanc vobis curam, hanc auctoritatem propitia divinitate largimur, ut successor scholae liberalium litterarum tam grammaticus quam orator nec non et iuris expositor commoda sui decessoris ab eis quorum interest sine aliqua imminutione percipiat et semel primi ordinis vestri ac reliqui senatus amplissimi auctoritate firmatus, donec suscepti operis idoneus reperitur, neque de transferendis neque de imminuendis annonis a quolibet patiaturs improbam quaestionem, sed vobis ordinantibus atque custodientibus emolumentorum suorum securitate potiaturs, praefecto urbis nihilo minus constituta servante. et ne aliquid pro voluntate praebentium relinquatur incertum, mox sex menses exempti fuerint, statutae summae consequanturs praedicti magistri mediam portionem, residua vero anni tempora cum annonarum debita redhibitione claudanturs; Just. *App.* vii §22, 552, ut annona ministreturs medicis et diversis. annonam etiam, quam et Theodoricus dare solitus erat et nos etiam Romanis indulsumus, in posterum etiam dari praecipimus, sicut etiam annonas, quae grammaticis ac oratoribus vel etiam medicis vel iurisperitis antea dari solitum erat, et in posterum suam professionem scilicet exercentibus erogari praecipimus, quatenus iuvenes liberalibus studiis eruditi per nostram rempublicam floreat. STUDENTS: *CTh* xiv. ix. 1, 370.

47. Lib. *Or.* i. 35 (appointment by the emperor on advice from the senate), 37 (salary); from i. 80 it appears that the salary was fixed by a decree of the senate. UNIVERSITY OF CONSTANTINOPLE: *CTh* xiv. ix. 3, 425, vi. xxi. 1, 425.

48. ARCHIATRI OF ROME: *CTh* xiii. iii. 8, 368, exceptis portus Xysti virginumque Vestalium quot regiones urbis sunt, totidem constituenturs archiatri. qui scientes annonaria sibi commoda a populi commodis ministrari honeste obsequi tenuioribus malint quam turpiter servire divitibus. quos etiam ea patimurs accipere, quae sani offerunt pro obsequiis, non ea, quae periclitantes pro salute promittunt. quod si huic archiattrorum numero aliquem aut condicio fatalis aut aliqua fortuna decerpserit, in eius locum non patrociniopraepotentium, non gratia iudicantis aliuss subrogeturs, sed horum omnium fideli circumspectuque delectu, qui et ipsorum consortio et archiatriae ipsius dignitate et nostro iudicio dignus habeatur. de cuius nomine referri ad nos protinus oportebit; 9, 370, si qui in archiatri defuncti est locum promotionis meritis adgregandus, non ante eorum particeps fiat, quam primis qui in ordine repperienturs septem vel eo amplius iudicantibus idoneus adprobeturs, ita ut, quicumque fuerit admissus, non ad priorum numerum statim veniat, sed eum ordinem consequatur, qui ceteris ad priora subvectis ultimus poterit inveniri. hisque annonarum compendia, quae eorum sunt meritis dignitatique praestanda, tua sinceritas iuxta dispositionem prius habitam faciat ministrari; 13, 387, Symm. *Rel.* 27, Cass. *Var.* vi. 19, Just. *App.* vii §22 (cited in n. 46).

49. THE ARCHITECT OF ROME: Cass. *Var.* vii. 15. There were also official architects at Constantinople; *CJ* xii. xix. 12 §1 (Anastasius).

50. BUILDING LABOUR: Symm. *Rel.* 14, sunt qui fabriles manus augustis operibus adcommovent. BRICKS: Cass. *Var.* i. 25, dudum siquidem propter Romanae moenia civitatis, ubi studium nobis semper impendere infatigabilis ambitus erit, portum Licini deputatis reeditibus reparari iussio nostra constituit, ut XXXV milia tegularum annua illatione praestaret: simul etiam portubus iunctis, qui ad illa loca antiquitus pertinebant, qui nunc diversorum usurpatione suggerunturs invasi. LIME: *CTh* xiv. vi. 1, 359, ex omnibus praediis, quae iam dudum praesta-

tioni calcis coeperunt obnoxia adtineri, coctoribus calcis per ternas vehes singulae amphorae vini praebeantur, vecturariis vero amphora per bina milia et nungenta pondo calcis. quin etiam volumus non personas, sed ipsos fundos titulo huius praestationis adstringi. vecturarios etiam ex quattuor regionibus trecentos boves praecipimus dari; 2, 364, 3, 365, statum urbis aeternae reformare cupientes ac providere publicorum moenium dignitati iubemus, ut calcis coctoribus vectoribusque per singulas vehes singuli solidi praebeantur, ex quibus tres partes inferant possessores, quarta ex eius vini pretio sumatur, quod consuevit ex arca vinaria ministrari: illud addentes, ut non amplius quam terna milia minores vehes annuae postulentur. huius autem vehationis ita sit ratio partita, ut mille quingenta onera formis, alia sartis tectis annua deputentur, ita ut nulli iudicum seu officiorum excoquendae calcis licentia relinquatur, sub eo statuto, ut, qui in hac usurpatione fuerit, austeritatem vigoris publici ferre cogatur. hoc autem excepto a Tarracinensis praestationis canone suggera, quae vetusto praebere fari ac Portus usibus more consuevit. a curialibus vero Tuscis nungentarum vehum, quas inferre per singulos annos cogeantur, sarcinam sub ea conditione praecipimus amoveri, ut, si quando necessitas novi operis extiterit, id ipsum in notitiam nostram suggestionibus iudicum perferendum quid addendum vel quatenus inferendum sit, nostrae deliberationis moderamine sanciantur. ex supra dicto autem numero vehationis medietatem, quam sartis tectis iussimus deputari, separatim conveniet adscribi, ita ut praefecti urbi officium ad suam partem hanc curam pertinere cognoscat; cf. Val. III, *Nov.* v §4, 440, confirming the immunity of *caespes ar<en>ensis, calcarius et vecturarius*. PRAEPOSITUS CALCIS: Cass. *Var.* VII. 17. Lime surplus to public requirements could be supplied to private persons (*CTb* XIV. VI. 4, 382, ut caementorum et calcis in urbe venerabili copiae minime derogetur, quisquis ex his quippiam sibi deferendum qualibet caelestis indulgentiae definitione contenderit, nihil prorsus accipiat, nisi quod cunctis moenibus fabricationique Romanae superfluere ac redundare constiterit. cf. Cass. *Var.* VII. 17).

§1. CONTRIBUTIONS BY PRAETORS: *CTb* VI. IV. 13, 361; cf. n. 17 for payments for the aqueducts. LIME BURNING: *CTb* XIV. VI. 5, 419.

§2. AERARIUM SATURNI: *ILS* 1233. AERARIUM POPULI ROMANI: Symm. *Rel.* 37, ad vos igitur salutaria numina convolamus et opem largam populi Romani imploramus aerario, cum iam diu nihil solitorum vectigalium decretae provinciae contulerunt atque ideo iustus est metus, ne cessantibus subsidiis necessaria deserantur, quae hactenus personae tenues alieno, ut queruntur, aere tolerarunt. super hoc etiam reverendus ordo consultus, cum per se mederi adfectis rebus nequiret, opem vestrae perennitatis oravit. edita ratio est vectigalium, quae Hispaniensis atque Alexandrinus invehere debuit commeatus; expensionum quoque titulos competentes officii cura digessit: quaeso, ut omnibus, quae cohaerent, libenter inspectis utilitati publicae velox remedium porrigatis. SPECIAL TREASURIES: *CTb* XII. XI. 2, 386, tam oleariae arcae quam frumentariae, Symm. *Rel.* 20, ex arca quaestoria itemque ex formarum conditis; for the *arca vinaria* see n. 41. PUBLIC WORKS: Amm. XXVII. III. 10, aedificia erigere exorients nova, vel vetusta quaedam instaurans, non ex titulis solitis parari iubebat impensas sed, si ferrum quaerebatur aut plumbum aut aes aut quicquam simile, apparitores inmittebantur, qui velut ementes diversa raperent species, nulla pretia persolvendo; *CTb* XV. I. 48, 411, nihil ex his, quae instauracioni ornatusque singulis deputavit antiquitas, nullius colore occasionis auferri volumus. igitur a futuro proximo consulatu universa praedictae urbi debitorum vectigalium inlibata augmenta pervaleant; cf. tit. cit. 12, 364, annonas quoque horreis antiquitus deputatas. It is not clear whether the *Romanis fabricis deputata*

*pecunia* of Cass. *Var.* I. 21, II. 34, was regular revenue or a special grant. Cf. also Just. *App.* vii §25 (cited in n. 56).

53. Symm. *Rel.* 40.

54. For the *arca frumentaria* and the aqueduct fund see nn. 31, 17.

55. Cass. *Var.* XI. 39. For the conditions of Rome see the *formulae* of the urban administrators (VI. 4, 15, 18, 19, VII. 6-7, 9-10, 13) and for the corn supply V. 35, XI. 5, XII. 11, for the games I. 20, 27, 30-3, and for the public buildings I. 21, II. 34, III. 30-1, IV. 51. Anon. Val. 67, *donavitque populo Romano et pauperibus annonae singulis annis, centum viginti milia modios*, presumably refers to an increase of the *annona* made by Theoderic; the figure suggests that he maintained the number of the *plebs frumentaria* at 120,000, adding one *modius* to the annual ration.

56. Just. *App.* vii §22, 554, *annonam etiam quam et Theodericus dare solitus erat et nos etiam Romanis indulsumus*, §25, *consuetudines etiam et privilegia Romanae civitatis vel publicarum fabricarum reparationi vel alveo Tiberino vel foro aut portui Romano sive reparationi formarum concessa servari praecipimus, ita videlicet ut ex isdem tantummodo titulis, ex quibus delegata fuerunt, praestentur*. For the administration of Rome and the corn supply in Gregory the Great's time see ch. X, n. 29, and ch. XIII, n. 119.

## XIX. THE CITIES (pp. 712-13)

In this chapter I largely rely on my own two books, *The Cities of the Eastern Roman Provinces*, Oxford, 1937 (cited as *CERP*), and *The Greek City from Alexander to Justinian*, Oxford, 1940 (cited as *Greek City*). I have also derived much profit from P. Petit, *Libanius et la vie municipale à Antioche au IV<sup>e</sup> siècle après J.-C.*, Paris, 1955. There are no comparable studies for the West.

1. The rules on *origo* and *incolatus* are given in *Dig.* L. i, *CJ* x. xxxix, xl, *CTh* XII. i. 12, 325.

2. The *Notitia Galliarum* is printed in Seeck's *Notitia Dignitatum*, 261-74. There can be no doubt that it is a civil register, not a list of bishoprics, as in the province of Viennensis it ignores the ecclesiastical province of Arles (see pp. 882, 890). In date it appears to be roughly contemporary with the *Notitia Dignitatum*, with whose list of provinces it agrees. The eight units which are not *civitates* are seven *castra* (i. 6, 7, ix. 6-9, xv. 9) and one *portus* (ix. 10). For the date, character and reliability of Hierocles and Georgius Cyprius see *CERP*, App. III, 502-509. Their lists for the dioceses of Thrace, Asiana, Pontica, Oriens and Egypt are set out with other evidence in the tables in *CERP*, App. IV, 510-540. I have based my statistical statements in this and the following paragraphs on these tables, as interpreted and explained in the general body of the book. For the dioceses of Dacia and Macedonia I use the plain text of Hierocles.

3. For the villages of Arabia see *CERP*, 284-91; cf. 282, 294 for other villages in Oriens. A village is also recorded in Lycia (pp. 109-10) and four in Egypt

(p. 348). The *δῆμοι* appear only in Phrygia Salutaris and Pamphylia (CERP, App. IV, Table xii. 20-23, xviii. 5, 7, 11, 12, 32, 33).

4. There are only two *χωρία*, the Patrimonial and the Milyadic (in Caria and Pamphylia; Table x. 29, xviii. 17), two *κλήροι* (in Phrygia Salutaris; Table xii. 6, 7), and two *πτήματα* (in Caria and Pamphylia; Table xii. 31, xviii. 28). Groups of *regiones* occur in Bithynia (CERP, 161-2, 166-7, 169), Cappadocia (CERP, 184-191) and Palestine (CERP, 282, cf. 274-5); their probable origins as royal land are discussed in these passages. There are also six other isolated *regiones* (CERP, 65, 109, 123, 137, 145, 347) whose origin is matter of conjecture. Apart from the *κλίμα Νεστικόν* in Macedonia I (Hierocles, 640, 8, *κλίμα Μευτικόν καὶ Ἀκόντισμα*; Acontisma was on the Nestus), the *κλίματα* are all in Oriens (CERP, 139-140, 226, 269, 283, 294-5). There are two *saltus* in Thessaly (Hierocles, 643, 1, 2), one in Pontus (CERP, 172-3); the remainder are all in Oriens (CERP, 369, 282-3, 289-91, 294).

5. For Alexandria see CERP, 305-6.

6. CERP, 10-22 (Thrace), 157-62 (Pontus), 177-83 (Cappadocia), 274-91 (Herodian kingdom), 316 ff. (Egypt).

7. Number of the Gallic *civitates*: Strabo, 192 (sixty), Tac. *Ann.* III. 44 (sixty-four). Cenabum of the Carnutes (Caes. *BG* VII. 11, VIII. 5, Strabo, 191) is identified with the Civitas Aurelianorum by the evidence of the itineraries: the town was presumably made a city by Aurelian. Bononia is equated with Gessoriacum by the Peutinger Table, and Gessoriacum is stated to be a town of the Morini by Pliny, *Hist. Nat.* IV. 102, 122; the name Bononia, which no doubt was given to it when it became a city, is first recorded under Constantine (Pan. Lat. VI. 5), and the old name is still used under Constantius I as Caesar (Pan. Lat. VIII. 6, 14). Icolisma is first mentioned by Ausonius (*Ep.* xv), and seems to have already been a city then, since Tetradius taught there as a *grammaticus*. Cabillonum and Matisco are said to be towns of the Aedui in Caes. *BG* VII. 90. For Gildas on Britain see Stevens in *EHR* 1937, 193ff.

8. AFRICA: Pliny, *Hist. Nat.* v. 29-30. There is a list of African bishoprics in J. Mesnage, *L'Afrique Chrétienne*, Paris, 1912. For bishops on estates see *Coll. Carth.* I. 181-2, *V. Mel.* (L), 21; for the *municipium Tullienne*, Aug. *de cura gerenda pro mortuis*, 15.

9. The Bordeaux Itinerary is published in O. Cuntz, *Itineraria Romana*, 1.

10. MACEDONIA: Pliny, *Hist. Nat.* IV. 33.

11. CERP, 64 ff. (Asia), 107-10 (Lycia), 134 ff. (Galatia).

12. CERP, 122-3 (the Gauls), 157 ff. (Bithynia and Pontus), 177 ff. (Cappadocia).

13. TERRITORIES OF ANTIOCH, APAMEA AND CYRRHUS: CERP, 270. ARABIAN CITIES: *ibid.* 287-8.

14. EGYPT: CERP, 344 ff.; for Nilopolis and Heracleopolis see *P. Oxy.* 1909.

15. TYMANDUS: *ILS* 6090. ORCISTUS: *ILS* 6091.

16. See the index of CERP s.v. Anastasiopolis, Arcadiopolis, Basilinopolis, Constantia, Constantine, Diocletianopolis, Eudocias, Eudoxias, Eudoxiopolis, Helenopolis, Julianopolis, Justiniana, Justinianopolis, Leontopolis, Marciana, Marcianopolis, Maximianopolis, Pulcherianopolis, Theodorias, Theodosiana,

Theodosiopolis, Valentia, Valentinianopolis, Verinopolis, Zenonopolis. Add from Hierocles Constantiana of Scythia, Diocletianopolis of Thessaly, Pulcheriopolis of Epirus Nova. The second—and very small—city named after Theodora has recently been discovered in Cyrenaica (*SEG* xviii. 768). Dynastic names are very rare in the West, Constantina Cirta and Arelate, Gratiana in Moesia and Gratianopolis (Cularo).

17. *Greek City*, 86 ff.; for the individual cases see *CERP* under the names.

18. *ILS* 6090, ut autem sic uti ceteris civitatibus ius est coeundi in curiam, faciendi etiam decreti et gerendi cetera quae iure permissa sunt, ipsa quoque permissu nostro agere possit, et magistratus ei itemque aediles, quaestores quoque et si qua alia necessaria facienda sunt, creare debebunt. quem ordinem agendarum rerum perpetuo pro civitatis merito custodiri conveniet. numerum autem decurionum interim quinquaginta hominum instituere debebis. deorum autem immortalium favor tribuet, ut auctis eorum viribus atque numero maior eorum haberi copia possit (cf. above, isdem maxime pollicentibus quod apud se decurionum sufficiens futura sit copia).

19. BASILINOPOLIS: *A.C.Oec.* II. i. 418, ὅσπερ Ταττιάος καὶ Δωρίς θεγεῶνές εἰσιν ὑπὸ Νίκαιαν, οὕτως ἦν πρὸ τούτου καὶ Βασιλεινούπολις ὑπὸ τὴν Νίκαιαν. βασιλεὺς τις Ἰουλιανὸς ἢ οὐκ οἶδα τίς πρὸ αὐτοῦ ἐποίησεν αὐτὴν πόλιν καὶ λαβὼν ἀπὸ Νικαίας πολιτενομένους κατέστησεν ἐκεῖ, καὶ τὸ ἔθος ἀπὸ τότε ἕως νῦν τοῦτο κρατεῖ, ἐὰν λείψῃ ἐν Βασιλεινούπολει πολιτενόμενος ἀπὸ Νικαίας πέμπεται ἐκεῖ καὶ πάλιν ἀπὸ Βασιλεινούπολεως μεθίσταται ἐν Νικαίᾳ. καὶ πρότερον οὕσα θεγεῶν πάλιν μετὰ ταῦτα ἐγένετο πόλις. *PODANDUS*: Basil, *Ep.* 75, πολλῶν μὲν καὶ πρότερον αὐτῆς ἀφαιρεθέντων τῶν πολιτενομένων, νῦν δὲ σχεδὸν ἀπάντων ἐπὶ τὴν Ποδανδὸν μετακισθέντων. This letter was written at the time when Valens divided Cappadocia into two provinces, and it may be inferred that the transformation of the *regio* of Podandus into a city was part of the plan.

20. THE AEDUI: Pan. Lat. v. 3. CYRENE: Syn. *Catastasis* I. ANTIOCH: Lib. *Or.* xi. 42 ff., Malalas, 28-30.

21. POPULAR ASSEMBLIES: *CTh* XII. v. 1, 325 (S), ii magistratus, qui suffiendis duumviris in futurum anni officium nominationes impertiunt, periculi sui contemplatione provideant, ut, quamvis populi quoque suffragiis nominatio in Africa ex consuetudine celebretur, tamen ipsi nitantur pariter ac laborent, quemadmodum possint ii, qui nominati fuerint, idonei repperiri. nam aequitatis ratio persuadet, nisi idonei fuerint nominati, ipsos, quorum est periculum, adtineri. Cf. *IRT* 564, 566, 574, 578, 595, where honours are said to have been given 'suffragiis populi et decurionum decreto'. See Soc. VII. 13 for the prefect of Egypt doing official business in the theatre; Joh. Chrys. *Hom. in Matth.* xix. 9, for the reading of imperial letters in the theatre; cf. Lib. *Or.* I. 157, where the consular of Syria breaks up Libanius's audience by summoning them to hear imperial letters.

22. THE ASSEMBLY AT OXYRHYNCHUS: *Chr.* I. 45.

23. CONSTANTINE'S EDICT: *CTh* I. xvi. 6, 331, iustissimos autem et vigilantissimos iudices publicis adclamationibus conlaudandi damus omnibus potestatem, ut honoris eis auctiores proferamus processus, e contrario iniustus et maleficus querellarum vocibus accusandis, ut censurae nostrae vigor eos absumat; nam si verae voces sunt nec ad libidinem per clientelas effusae, diligenter investigabimus, praefectis praetorio et comitibus, qui per provincias constituti sunt, provincialium nostrorum voces ad nostram scientiam referentibus.

24. On this topic see R. Browning, *JRS* XLII (1952), 13 ff., who cites much evidence from Libanius and John Chrysostom.

25. *CERP* 334, 341-2; the evidence is *P. Oxy.* 1116, 1627, *P. Flor.* 39, *PSI* 86, 1108, 1232, *P. Lips.* 65, *Sb* 4513. The police functions of the *ἐπιμεληταὶ τῶν φυλῶν* at Antioch (*Lib. Or.* xxiii. 11, xxiv. 26, xxxiii. 35-6) suggest that the tribes of Antioch were used as in Egypt.

26. That 100 was the standard number for *coloniae* and *municipia* is fairly certain; see *Cic. de lege Agraria* II. 96 (Capua), *ILS* 5670 (Cures), 6121 (Canusium), 6579 (Veii). But peregrine *civitates* sometimes had larger councils, e.g. Thuburbo Maius (*ILA* 266). SYRIAN CITIES: *Lib. Or.* II. 33. TYMANDUS: *ILS* 6090. ANTIOCH: *Lib. Or.* XLVIII. 3.

27. See below n. 40.

28. TYMANDUS: *ILS* 6090. In Egypt the *exegetes* is last recorded in 294 (*P. Oxy.* 891), the *cosmetes* in 347 (*P. Antinoop.* 31), gymnasiarchs in 370 (*P. Oxy.* 2110), and *archiereis* in 386 (*CTh* XII. i. 112). Cf. *Sb* 9219 (*ἀρχιερεὺς, ὑπομνηματόγραφος* and *γυμνασιαρχος* at Alexandria in 319), *P. Amb.* 82 (*ἀρχιερεὺς* and *γυμνασιαρχος* at Arsinoe), *CPR* 247 (*γυμνασιαρχος* at Heracleopolis in 346). *Prytaneis* are frequently mentioned; they are often styled *προπολιτενόμενος*.

29. *Riparii* are frequently mentioned in the papyri (see Oertel, *die Liturgie*, 284-6; they appear first in 346, *P. Oxy.* 897); that they existed in other provinces of Oriens is implied by *Chr.* I. 469, a letter of C. Valerius Eusebius, *comes Orientis* (cf. *ILS* 8947) addressed *ὑπαρίοις κατὰ πόλιν ἀπὸ Θηβαίδος ἕως Ἀντιοχείας*; but eirenarchs are recorded at Gaza (*V. Porph.* 25), and Libanius speaks of *εἰρηνοφύλακες* at Antioch (*Or.* XLVIII. 9) and *εἰρήνης φύλαξ* at Elusa (*Ep.* 101-2); this title is no doubt due to Libanius's Atticism, but is more likely to have been suggested by *εἰρηνάρχης* than by *riparius*. EIRENARCHS: *CTh* XII. xiv. 1, 409. *Νυκτοστράτηγοι* are frequently mentioned in the papyri; they date from the third century (see Oertel, *die Liturgie*, 281-3). At Antioch a *νυκτέπαρχος* is recorded (*Pall. Dial.* p. 97, Malalas, 396-7). PRAEPOSITUS PAGI: *Eus. HE* IX. 1 (the edict of Sabinus), *γράφαι τοιγαροῦν πρὸς τοὺς λογιστὰς καὶ τοὺς στρατηγούς καὶ τοὺς πραιποσίτους τοῦ πάγον ἐκάστης πόλεως ἢ σὴ ἐπιστρέφεια ὀφείλει ἵνα γνοῖεν περαιτέρω αὐτοῖς τούτου τοῦ γράμματος φροντίδα ποιῆσθαι μὴ προσήκειν*, *CTh* VII. iv. 1, 325. VIII. xv. 1 (a law of Constantine), AGRIPPINA DIXIT: *τῷ τόπῳ ἐκείνῳ οὐκ ἐπαγάρχει*; AGRIPPINA DIXIT: *τοῦ τόπου ἐκείνου πραιπόσιτος οὐκ ἦν*, XII. vi. 8, 365, *iuxta inveteratas leges nominatores susceptorum et eorum, qui ad praeposituram horreorum et pagorum creantur, teneantur obnoxii, si minus idonei sint qui ab iisdem fuerint nominati, nec quicquam ex eorum substantia celebrata per interpositam personam emptione mercentur*, and perhaps XII. i. 49 §2, 361, *praepositi horreorum iique, qui suscepturi sunt magistratum, praepositi etiam pagis seu susceptores diversarum specierum* (reading 'pagis' for 'pasis'); Basil (*Ep.* 3) mentions a *πάγαρχος* in Cappadocia. For their date (in Egypt from 307-8) see Boak, *Mélanges Maspéro*, II. 125-9, and for their functions *ch.* XIII, n. III (appointment of village officials and finance) and Oertel, *die Liturgie*, 301-2.

30. For the earlier history of the *curator* see Liebenam, *Philologus*, 1897, 290 ff., Kornemann, *PW* IV. 1806 ff. There is a full account of the *λογιστής* in Egypt by Rees, *J. Jur. Pap.* VII-VIII (1953-4), 83 ff. For their general police functions see *Eus. HE* IX. 1 (the edict of Sabinus), *Opt. App.* I, *CTh* XVI. ii. 31 (= *Sirm.* 14), 409. *Curatores* were still appointed by imperial *epistula* in 331 (*CTh* XII. i. 20, *nullus decurionum ad procuraciones vel curas civitatum accedat, nisi*



omnibus omnino muneribus satisfecerit patriae vel aetate vel meritis. qui vero per suffragium ad hoc pervenerit administrare desiderans, non modo ab expetito officio repellatur, sed epistula quoque vel codicilli ab eo protinus auferantur et ad comitatum destinetur), but had apparently ceased to be so by Justinian's reign (no fees are recorded in Just. *Nov.* viii). In Ostrogothic Italy they were however appointed by royal *epistula* (Cass. *Var.* vii. 12) and continued to require imperial confirmation in Sicily after Justinian's reconquest (Just. *Nov.* lxxv, 537). In 353 (Philostorgius, iii. 28) Montius taunted the Caesar Gallus, οὐδὲ λογιστὴν ἐξεστὶ σοι προχειρίσασθαι.

31. The *defensor* first appears in Egypt in 332 (P. Oxy. 1426) and 336 (P. Oxy. 901, Sb 6294); in Arabia in 322 (Wadd. 2238-40). He appears as a judge in 340 (Sb 8246). VALENTINIAN: *CTh* i. xxix. 1, 368, 2, 365, 3, 368, 4, 368, 5, 370. For a history of the *defensor* in Egypt see Rees, *J. Jur. Pap.* vi (1952), 73 ff.

32. DEFENSOR NOMINATED BY THE COUNCIL: *CTh* i. xxix. 6, 387; APPOINTED BY THE PRAETORIAN PREFECT: Just. *Nov.* viii. notitia 37, 535; BY THE KING: Cass. *Var.* vii. 11. OPPRESSION BY DEFENSORES: *CTh* i. xxix. 7, 392. WEAKNESS OF DEFENSORES: Just. *Nov.* xv, 535.

33. The evidence of the papyri and the codes on the election of curial *susceptores*, etc., is collected in my *Greek City*, pp. 333-4, notes 106, 108, 109, that on the *exactor civitatis* on p. 332, note 104; see also J. D. Thomas, *Chron. d'Égypte*, xxxiv (1959), 124 ff. For Thamugadi see below n. 40.

34. *CJ* x. xxxii. 2 (285-93), observare magistratus oportebit, ut decurionibus sollemniter in curiam convocatis nominationem ad certa munera faciant eamque statim in notitiam eius qui fuerit nominatus per officialem publicum perferre curent, habitu appellandi, si voluerit, atque agendi facultatem apud praesidem causam suam iure consueto: quem si constiterit nominari minime debuisse, sumptus litis eidem a nominatore restitui oportebit; *CTh* xii. i. 8, 323, decuriones ad magistratum vel exactionem annonarum ante tres menses vel amplius nominari debent, ut, si querimonia eorum iusta videatur, sine impedimento in absolvendi locum alius subrogetur; 28, 339, constitutionibus perspicue definitum est kalendis Martii nominationes fieri, ut splendidorum honorum munerumque principia primo tempore procurentur; 84, 381, in nominationibus a singulis quibusque ordinibus celebrandis dudum expressae quantitatis modum eatenus volumus custodiri, ut eorum in duabus, quae concilio adesse debent, partibus numerus derogetur, quos aut obtentus debilitatis alienat aut senectus pigra remoratur aut clericatus obsequia vindicarunt aut crimen desertionis absentat, ut ex reliquo numero duabus tertiis supputandis.

35. CURATOR: *CTh* xii. i. 20, 331 (cited in n. 30). EXACTOR: *Chr.* i. 44, Ἀνδρήλιος Εὐλόγειος Ἀνδρέω ἑναρχος πρύτανις προπολιτευόμενος τῆς Ἀρσινουιτῶν πόλεως Φλ' Ἀβενναίω ἀπὸ ἐπάρχων εἰλης χαίρων. ἀπαντοῦντι σοι ἐν τῷ ἱερῷ κομιτάτῳ ἐντέλλομαι σοι καὶ ἐπιτρέπω κατὰ τήνδε τὴν ἐντολὴν ὅπως ἐπιστολὴν ἐξαπορίας ἐπ' ὀνόματός μου ἐνέγκῃς παρὰ τῆς θιότητος τῶν δεσποτῶν ἡμῶν αἰωνίων Ἀθροούστων, ἐμοῦ ἐπιγυγνώσκοντος εἰ τι ἂν ἀπαξαιπῶς ἀναλώσης εἰς τὴν αὐτὴν ἐπιστολὴν τῇ σῇ πίστι.

36. EXEMPTION FOR AGE: *Dig.* l. iv. 3 §§6, 12, v. 1 §3, 2 §1, 8 pr., vi. 3, *CJ* x. xxxii. 10, 294, l. 3 (285-93); for ill-health, *Dig.* l. v. 2 §§6-7, 13 pr., *CJ* x. li. 1 (Gordian), 2, 3, 4 (Diocletian). PERICULUM NOMINATORIS: *Dig.* l. i. 11, 13, 15 §1, 17 §§14-5, iv. 14 §4, *CJ* xi. xxxiv. 1, 2, xxxvi. 2 (Gordian), 3 (Carus), 4 (Diocletian), *CTh* xii. vi. 1, 321, v. 1, 325 (S). Nomination by magistrates of their

successors is implied by *CTh* XII. v. 1, 325 (S), (cited in n. 21); the *prytanis* nominates in *Chr.* I. 420, II. 95, *P. Oxy.* 2110. FINANCIAL RESPONSIBILITY OF THE COUNCIL: *PSI* 684 (cited in ch. XIII, n. 112).

37. EIRENARCHS: *CJ* x. lxxvii. 1, 409, *irenarchae*, qui ad provinciarum tutelam quietis ac pacis per singula territoria faciunt stare concordiam, a decurionibus iudicio praesidium provinciarum idonei nominentur.

38. *P. Oxy.* 2110.

39. The old *cursum honorum* is confirmed by *CJ* x. xliii. 2 (285-93). IMMUNITY OF DUOVIRALES: *CTh* XII. i. 21, 335, quoniam Afri curiales conquesti sunt quosdam in suo corpore post flamonii honorem et sacerdotii vel magistratus decursa insignia praepositos compelli fieri mansionum, quod in singulis curiis sequentis meriti et gradus homines implere consuerunt, iubemus nullum praedictis honoribus splendentem ad memoratum cogi obsequium, ne nostro fieri iudicio iniuria videatur; v. 2, 337, sacerdotales et flamines perpetuos atque etiam duumvires ab annonarum praepositis inferioribusque muneribus immunes esse praecipimus. quod ut perpetua observatione firmetur, legem hanc incisam aeneis tabulis iussimus publicari. ALBUM ORDINIS: *Dig.* L. iii.

40. The text (*CIL* VIII. 2403 + 17824, partly reproduced in *ILS* 6122) has been greatly improved by L. Leschi in *REA* L (1948), 71 ff.

41. *Principales* are mentioned as important and responsible members of the *curia* in *CTh* XII. i. 77, 372, nec vero a duumviratu vel a sacerdotio incipiat, sed servato ordine omnium officiorum sollicitudinem sustineat, quod nec his deferri per gratiam aut conivente iudice patimur, qui advocacy praerogativa nituntur; nec vero principalium vel sacerdotalium, cum nullam curialium officiorum agnoverint functionem, in honores primos inreant; 79, 375, si quos curiales patrocinio principalium invenerint excusari; XIII. xi. 10, 399, concludio principalium vel defensorum vel subrepticis rescriptis; VIII. v. 59, 400, periculo civitatis sive defensoris et principalium civitatum; x. xxv. 1, 406; XVI. v. 40 §8, 407, defensores quoque et principales urbium singularum; *Maj. Nov.* vii §18, 458. OPPRESSION OF LESSER DECURIONS: *CTh* XI. xvi. 4, 328, extraordinariorum munerum distributio non est principalibus committenda, ideoque rectores provinciarum monendi sunt, ut eam distributionem ipsi celebrent manuque propria perscribant atque incauto nomina adnectant, ea forma servata, ut primo a potioribus, dein a mediocribus atque infimis quae sunt danda praestentur; XII. iii. 2, 423, quoniam de constitutione inclytae recordationis avi nostri de alienandis praediis curialium promulgata dubitatum est, utrum soli principales sine decreti interpositione collegarum possessiones emere vetentur an omnibus comparandorum huiusmodi fundorum copia sine praedicta observatione negata sit, generali sanctione decernimus, ut, si curialis praedium urbanum aut rusticum vendat cuiuscumque conditionis emptori, apud rectorem provinciae idoneas causas alienationis alleget; *Symm. Ep.* ix. 10, sed principalibus et tabulariis liberum est alios a dispendio vindicare, aliis indebitum munus imponere.

42. DECEMPRIMI IN SICILY: *ILS* 8843, *P. Ital.* 10-11, col. iii. 13, iv. 8, 9, v. 1. TEN PRINCIPALES IN AFRICA: *CTh* XVI. v. 52, 412, 54, 414 (*principales* = *decem primi curiales*); IN EGYPT: *P. Oxy.* 2110. *Decemprimi* are also mentioned in *CTh* IX. xxxv. 2, 376 (addressed to *Ppo Galliarum*) and XVI. ii. 39, 408 (*Ppo It.*). FIVE PRIMATES OF ALEXANDRIA: *CTh* XII. i. 190, 436. PRINCIPALES IN GAUL: *CTh* XII. i. 171, 412 (S), placuit principales viros e curia in Galliis non ante discedere,

quam quindecennium in ordinis sui administratione compleverint, per quae annorum moderata curricula impleant patriae gratiam. et quamvis cunctos deceat revocari, qui brevi tempore videntur elapsi, sectandam tamen moderationem esse censuimus, ut eos tantum ad declinatas necessitates nunc redire iuberemus, qui ante hoc recessisse sexennium deteguntur. nec quemquam convenit constituta salubriter annorum spatia recusare, quando expletis omnibus splendoris et honoris ornamenta succedunt. sane quoniam principalem locum et gubernacula urbium probatos administrare ipsa magnitudo deposcit, sine ordinis praeiudicio consensu curiae eligendos esse censemus, qui contemplatione actuum omnium possint respondere iudicio. eum vero, qui usque ad secundum evectus locum administrationem aut aetate implere aut debilitate nequiverit, suffragium meritorum et transactae testimonium vitae, tamquam primus constituto tempore curiam rexit, obtinere conveniet. HONOURS OF PRIMUS CURIAE: *CTh* XII. i. 189 (= *CJ* X. xxxii. 56), 436.

43. *Greek City*, 241 ff.; Arcadius Charisius is cited in *Dig.* L. iv. 18 §5.

44. CIVIC LANDS RESTORED BY JULIAN: *CTh* X. iii. 1, *CJ* XI. lxx. 1, 362, *Amm.* xxv. iv. 15, *Lib. Or.* XIII. 45. In *Or.* xxxi. 16, delivered c. 360, Libanius speaks of Antioch as still possessing large quantities of civic land, and in 359 the proconsul of Achaëa allocated building materials for civic works at Chalcis ἐκ τῶν πολιτικῶν προσόδων (*IG* XII. ix. 907); so the confiscation must have taken place in Constantius's last years. In *Or.* L. 5, delivered in 385, Libanius again speaks of lands which had been bequeathed to the city in the past and were under its control; these are presumably the restored third or bequests during the past twenty years. Cf. W. Liebeschütz, *Byz. Zeitschr.* LII (1959), 344 ff. for a different explanation of the problem. CIVIC TAXES RESTORED BY JULIAN: *Amm.* xxv. iv. 15. TEMPLE LANDS CONFISCATED BY CONSTANTINE: *Lib. Or.* XXX. 6, 37, LXII. 8; BY VALENTINIAN AND VALENS: *CTh* V. xiii. 3, x. i. 8, 364.

45. PART OF THE RENTS RESTORED: *FIR* I<sup>2</sup>. 108, [quod ex red]itibus fundorum iuris re[fi] publicae, quo]s intra Asiam diversis quibusque civitatibus ad instaurand[am] mo]enium fac[iem] . . . pr[o] certis [partib]us habita aestimatione concensimus capere quidem urbes singulas beneficii nostri uberem fructum et pro [temporum] r[e]fers felici[tate] nostror[um] a foedo [recenti]u]m squalore ruinarum in antiquam sui faciem nova reparatione consurgere, verum non integram gra[tiam] con]cessi ad urbes singulas benefic[i]i nostri perv[en]ire, si quidem pro partibus praestitis redditus civitatibus potius [qua]m ipsi cum redditibus fundi fuerint restitu[en]di et ministrandi, idem redditus ab acto[ri]bus [pr]ibatae rei nostrae et diu miserabiliterque poscantur et vix aegreque tribuantur atque id quod amplius e[st] i]sdem fundis super statutum canonem colligatur, et isdem civitatibus pereat eorundemque actorum fraudibus devoratum nihil tamen aerario nostro adiciat augmenti possitque a curialibus vel exultione maiore vel propensiore diligentia nonnullus praestitionis cumulus ad gratiam concessionis accedere, igitur cuncta diligenti coram investigatione perspeximus. A THIRD OF THE RENTS RESTORED: *CTh* IV. xiii. 7, 374, ex redditibus rei publicae omniumque titulorum ad singulas quasque pertinentium civitates duae partes totius pensionis ad largitiones nostras perveniant, tertia probabilibus civitatum deputetur expensis; xv. i. 18, 374, si civitatis eius res publica tantum in tertia pensionis parte non habeat, quantum coepae fabricae poscat impendium, ex aliarum civitatum rei publicae canone praesumant, tertiae videlicet portionis; v. xiv. 35, 395, restaurationi moenium publicorum tertiam portionem eius canonis, qui ex locis fundisque rei publicae annua praestatione confertur, certum est satis posse sufficere. de vectigalibus itaque publicis, quae semper ex integro nostri

aerarii conferebant expensas, nihil omnino decerpi nomine civitatum permittimus; xv. i. 32, 395, ne splendidissimae urbes vel oppida vetustate labantur, de redditibus fundorum iuris rei publicae tertiam partem reparationi publicorum moenium et thermarum subustioni deputamus; 33, 395, singuli igitur ordines civitatum ad reparationem moenium publicorum nihil sibi amplius noverint praesumendum praeter tertiam portionem eius canonis, qui ex locis fundisque rei publicae quotannis conferri solet, sicut divi parentis nostri Valentiniani senioris deputavit auctoritas. A THIRD OF THE TAXES RESTORED: *CTh* iv. xiii. 7, 374; since the law is placed in the title *de vectigalibus et commissis* it must refer (*inter alia*) to civic taxes. ALL CIVIC TAXES TO THE STATE: *CTh* v. xiv. 35, 395; *vectigalia publica* should mean civic taxes.

46. URBAN LANDS: *CTh* x. iii. 5, 400, aedificia, hortos atque areas aedium publicarum et ea rei publicae loca, quae aut includuntur moenibus civitatum aut pomeriis sunt conexa, vel ea quae de iure templorum aut per diversos petita aut aeternabili domui fuerint congregata, vel civitatum territoriis ambiuntur, sub perpetua conductione, salvo dumtaxat canone, quem sub examine habitae discussionis constituit adscriptum, penes municipes, collegiatos et corporatos urbium singularum conlocata permaneant omni venientis extrinsecus atque occulte conductionis adtemptatione submota; xv. i. 41, 401, omnia aedificia publica sive iuris templorum intra muros posita vel etiam muris cohaerentia, quae tamen nullis censibus patuerit obligata, curiales et collegiati submotis competitoribus teneant atque custodiant . . . . . si quando a quopiam vacans locus aut area postulatur, consultius ad ordinarios iudices nostri mittantur affatus, ut, si neque usui neque ornatui civitatis adcommodum videtur esse quod poscitur, periculo ordinis et provincialis officii absque ullius gratiae concludio competitori sub gestorum testificatione tradantur. pensiones autem, quae deinceps sublatae a competitoribus fuerint, rationabiliter inpositas reparationi iubemus proficere civitatis, exceptis videlicet pensionibus praeteriti temporis, quae iam sollemniter sacro privatoque debentur aerario. CIVIC TAXES: *CJ* iv. lxi. 13, 431, exceptis his vectigalibus, quae ad sacrum patrimonium nostrum quocumque tempore pervenerunt, cetera rei publicae civitatum atque ordinum aestimatis dispendiis quae pro publicis necessitatibus tolerare non desinunt, reserventur, cum duas portiones aerario nostro conferri prisca institutio disposuerat: atque hanc tertiam iubemus adeo in dictione urbium municipumque consistere, ut proprii compendii curam non in alieno potius quam in suo arbitrio noverint constitutam. designatae igitur consortium portionis eatenus iuri ordinum civitatumque obnoxium maneat, ut etiam locandi quanti sua interest licentiam sibi noverint contributam.

47. Th. ii, *Nov.* xxiii §1, 443, omnibus itaque consiliis diu nostro animo volutatis nullam salubriorem causam revocandae pristinae beatitudinis invenimus, quam si praedia tam urbana quam rustica nec non etiam tabernae, quae ad ius civile pertinent et a quibusdam quolibet modo intra triginta annos abhinc retro numerandos detentae sunt, universis civitatibus assignentur exceptis videlicet tantum his, quae vel a procuratore divinae domus vel a viro inlustri comite rerum privatarum iussu nostrae clementiae vel communi consensu civitatum cum scripturae interpositione distractae sunt. nemo igitur quodcumque memorati iuris praeter civitates, quas suis volumus opibus frui, sibi deinceps existimet possidendum, ne propositum nostrae pietatis offendat, quod divinitus nobis in mentem venisse confidimus; Marc. *Nov.* iii, 451, si qui vel ex titulo donationis vel ex emptione sive ex alio quolibet titulo possessiones iuris civilis, tantummodo quae huius iuris esse vere probantur, cuiuslibet civitatis et praecipue

huius aeternae urbis, cui maiorem debemus favorem, tam civilis, ut dictum est, iuris quam etiam agonotheticas possessiones, ex consulatu Auxonii et Olybrii dempto civili canone acceperunt, impositum praediis canonem iuxta fidem publicorum monumentorum civitati, ad quam praedia pertinerunt, praebere iubeantur: ex praesenti quoque quarta indictione, cessante praeteriti temporis canonis exactione, manente penes eos successoresque eorum et detentatores inlibato dominio. nam si privatis viris debita non patimur denegari, multo magis praebenda sunt civitatibus quae iure debentur, cum sufficiat possessoribus, quod apud eos dominium in perpetuum ex nostra liberalitate permaneat. si quae tamen possessiones iuris civilis canonem privatis largitionibus in praesenti praebent vel numquam ademptum vel postea impositum, ad hanc pragmaticam iussionem non pertinebunt, sed privato aerario canonem, quem nunc agnoscunt, inferre ex more debebunt, dominio firmiter apud eos successoresque eorum et detentatores pari modo permanente. For a property of the second category see *SPP* xx. 143, a receipt for half a solidus rent given by the ὑποδέκτης λαγνυτιωνολικίων καὶ δεσποτικῶν προσόδων to the agent of Theodotus, comes Aegypti, ὑπὲρ ἱερῶν ἐρημῶν καλουμένων Ἀμμῶνος . . . διαπραθέντος σοὶ κατὰ τὸν θῖον νόμον σωζομένον τοῦ κανόνος παρὰ τοῦ λαμπροτάτου καὶ περιβλέπτον τριβούνου καὶ νοταρίου Καπετολλῶν. The deserted temple of Ammon within the walls of Hermopolis must have once belonged to the city. Cf. also *CJ* xi. lxx. 6, 480.

48. *CJ* xi. xxxii. 3, 472, si qua hereditatis vel legati seu fideicommissi aut donationis titulo domus aut annonae civiles aut quaelibet aedificia vel mancipia ad ius inclitae urbis vel alterius cuiuslibet civitatis pervenerunt sive pervenerint, super his licebit civitatibus venditionis pro suo commodo inire contractum, ut summa pretii exinde collecta ad renovanda sive restauranda publica moenia dispensata proficiat. *APHRODISIAS*: Just. *Nov.* clx.

49. *BONA VACANTIA*: *CJ* x. x. 1, 292. *ESTATES OF DECURIONS DYING INTESTATE*: *CTh* v. ii. 1, 319, *CJ* vi. lxii. 4, 429; *ABSCONDING*: *CTh* xii. i. 139, 394, 143-4, 395; *TAKING ORDERS*: *CTh* xii. i. 49, 361, 59, 364, 123, 391, 163, 399, 172, 410. *THE QUARTER*: *CJ* x. xxxv. 1, 428, *Th.* ii, *Nov.* xxii. 2, 443, *CJ* x. xxxv. 3, 528; raised to three-quarters by Just. *Nov.* xxxviii, 535. *NEW CIVIC TAXES*: *CJ* iv. lxi. 10 (400-3, cited in n. 50). We know of civic taxes at Alexandria (*CTh* xiv. xxvii. 2, 436, ex dinummio vectigali memoratae civitatis; Just. *Ed.* xiii §15, τὸν τοῦ ἐξαγωγίου τίτλον) and at Mylasa (*CIL* iii. 7151-2 = *IGC* 241). This document concerns τὸ λιμενικὸν τέλος τῆς Πασσαλιητῶν κώμης τῆς Μυλασέων πόλεως, which was τῇ πολιτεῖα ἤτοι τῷ δημοσίῳ λυσιτελὲς καὶ τοῖς χρεοῖς τῆς αὐτῆς πόλεως (i.e. went partly to the *largitiones*, partly to the city). In a constitution addressed to Eudoxius the emperor, following his suggestion, declares μηδενὶ τὸ μνημονευθὲν τέλος ἢ αἰτεῖν ἐξεῖναι ἢ εἰς ἴδια κέρδη δύναισθαι . . .] There follows a letter from Flavius Eudoxius, *CSL*, to the governor of Caria, which states that there had been much litigation in his court between the attorney of Dominus, the *cubicularius*, and the decurions of Mylasa. We may take it that Dominus had petitioned for the tax and had been rebuffed.

50. *FIR* I<sup>2</sup>. 108 speaks of 'id quod amplius ex isdem fundis super statutum canonem colligatur'. *CIVIC LANDS OF ANTIOCH*: Julian, *Misop.* 370D-371A; Lib. *Or.* xxxi. 16-7. The allocation of civic taxes to those performing liturgies is implied by *CJ* iv. lxi. 10, 400-3, vectigalia, quaecumque quaelibet civitates sibi ac suis curiis ad angustiarum suarum solacia quaesierunt, sive illa functionibus curialium ordinum profutura sunt seu quibuscumque aliis earundem civitatum usibus designantur, firma his atque ad habendum perpetua manere praecipimus.

51. *PANOPEUS*: Pausanias, x. iv. 1. *ANTIOCH*: Lib. *Or.* xi. 133 ff., 245 ff., 267.

52. POLICE: Lib. Or. XLVIII. 9, καὶ μέλη παρὰ τοῖς εἰρηνοφύλαξιν ὁ τῶν κορυνηφόρων μισθός, *Chr.* I. 404 (nomination to a νυκτοστράτηγος by a γνωστήρ ε' φυλῆς of a man to serve τῇ σῇ ἐπιεικείᾳ πρὸς ἐνιαύσιον χρόνον] ὑπὲρ τῆς δημοτικῆς αὐτοῦ λ[ιτο]υργίας), 474 (list of νυκτοφύλακες), 476 (complaint by the two νυκτοστράτηγοι to the two *riparii* that they have failed to supply to them τοὺς δημοσίους καὶ τοὺς ἐφοδευτάς), PRICE CONTROL: *P. Oxy.* 83, 85, *PSI* 202, *P. Antinoop.* 38, Lib. Or. IV. 26-35, XXVII. 23-9. BUILDERS AT SARDIS: *IGC* 322.

53. ALEXANDRIA: *Chron. Pasch.* 514, *Proc. HA* xxvi. 41 (given by Diocletian), *CTh* XIV. xxvi. 2 (increased in 436), *Just. Ed.* xiii §§4, 6, 26; Alexandrian corn rations (ἄρτοι) are mentioned in *Ath. Hist. Ar.* 63, *Chr.* II. 96 (where they are part of an inheritance) and *Sh* 9023 (where they appear to be attached to a house). ANTIOCH: Lib. Or. xx. 7, *Just. Nov.* vii §8, 535, δηλαδή τῆς ὁμοίας παρατηρήσεως καὶ ἐπὶ τῆς ἐκποιήσεως τῶν πολιτικῶν σιτήσεων παραφυλαττομένης, καθὰ πολλάκις εἴπομεν, διότι τοιαύτας εἶναι σιτήσεις οὐ μόνον ἐπὶ τῆς βασιλίδος ταύτης πόλεως, ἀλλὰ καὶ ἐπὶ τῆς μεγάλης Ἀλεξανδρείας καὶ ἐπὶ τῆς Θεουπολιτῶν εἶναι μεμαθήκαμεν; the corn dole at Antioch perhaps originated from a private benefaction made in A.D. 181 (Malalas, 289-90, *Chron. Pasch.* 490). For Carthage the only evidence is the very obscure law, *CTh* XIV. xxv. 1, 315, dealing with *aeneum frumentum*; from the position of the law in the code I infer that this *frumentum Carthaginiense* was an institution analogous to the *frumentum Alexandrinum* of the next title. LIBANIUS AND THE BAKERS: Lib. Or. XXIX. BASIL AND THE LANDLORDS: *Greg. Naz. Or.* XLIII. 35. Σιτωνία: *CJ* x. xxvii. 3 (Anastasius), I. iv. 26, 530, *Just. Nov.* cxxviii §16, 545. Σιτωνικά χρήματα: *CJ* x. xxvii. 2 §12 (Anastasius), x. xxx. 4, 530, cf. *Chron. Pasch.* 585.

54. WATER SUPPLY: Lib. Or. XI. 246-7; funds for maintenance of aqueducts are mentioned in *CJ* I. iv. 26, x. xxx. 4, 530, *Just. Nov.* cxxviii §16, 545. CORVÉES: Lib. Or. XLVI. 21. STREET LIGHTING: *Amm.* XIV. i. 9, Lib. Or. XI. 267, XXII. 6, XXXIII. 35-7, *Proc. HA* xxvi. 7.

55. BATHS AT ANTIOCH: Lib. Or. XI. 245 (cf. XIX. 62 for the eighteen φυλαί). HEATING OF BATHS FROM CIVIC FUNDS: *CTh* XV. i. 32, 395, *CJ* I. iv. 26, 530, *Just. Nov.* clx, *Ed.* xiii §14; FROM SPECIAL FUNDS: *CJ* x. xxx. 4, 530; BY LITURGY: Lib. Or. I. 272, II. 34, XXVI. 5-6, XXVIII. 6, XXXV. 4, XLIX. 10.

56. SALARIES OF PROFESSORS AND DOCTORS: *CTh* XIII. iii. 1, 321, Lib. Or. XXXI. 19 ff., *Proc. HA* xxvi. 5-7. GAMES FROM ENDOWMENTS: *Marc. Nov.* iii, 451 (*agonotheticae possessiones*), *Proc. HA* xxvi. 6 (θεωρητικά); BY LITURGY: *Julian, Misop.* 371A, *P. Oxy.* 2110, *CTh* XV. v. 1, 372, ix. 2, 409, Lib. Or. XXVII. 13, XXVIII. 7, XXXIII. 14, XXXV. 4, 13-4, XLIX. 10, LIV. 45.

57. CORVÉE LABOUR: Lib. Or. XLVI. 21, L, *passim*. PAYMENTS FOR CRAFTSMEN AND MATERIALS: *Chr.* I. 48, 197, Lib. Or. L. 3.

58. REPAIRS FROM CIVIC FUNDS: *FIR* I<sup>2</sup>. 108, *CTh* XV. i. 18, 374, v. xiv. 35, xv. i. 32, 33, 395, *Th.* II, *Nov.* xxiii, 443, *CJ* I. iv. 26, x. xxx. 4, 530, *Just. Nov.* cxxviii §16, 545, clx; BY SPECIAL LEVIES: *CTh* XV. i. 23, 384, 34, 396, 49, 412; also implied by laws 5, 338, 7, 361, and 33, 395. Procopius's *Aedificia* gives a long catalogue of dilapidated civic buildings restored by Justinian.

59. All kinds of civic expenditure appear to be covered by civic funds in *CJ* I. iv. 26, x. xxx. 4, 530, and *Just. Nov.* cxxviii §16, 545. Procopius (*HA* xxvi. 6 ff.) similarly implies that Justinian's alleged confiscation of civic funds brought all municipal expenditure to a standstill.

60. For games at Antioch see ch. XXIV, n. 67. CAECILIANUS AND INGENTIUS:

Opt. *App.* II. CURMA: Aug. *de cura gerenda pro mortuis*, 15. Libanius (*Or.* XLVIII. 37-8, XLIX. 8) stresses the inequality between the richer and poorer decurions of Antioch.

61. ORIGO AND DOMICILIUM: see n. 1. FREE BIRTH: *CJ* X. xxxiii. 1 (285-93); cf. Maj. *Nov.* vii §2, 458, quorum progeniem ita dividendam esse censemus, ut quotquot fuerint masculini sexus filii patrem sequantur feminis praedii domino relinquendis: illa discretione servata, ut, si ex colonabus nati sunt, curiis inserantur, si ex ancillis editi, collegiis deputentur, ne materni sanguinis vilitate splendor ordinum polluat. RETIREMENT TO COUNTRY ESTATES: *CTb* XII. xviii. 2, 396. ALIENATION OF ESTATES: *CTb* XII. iii. 1, 386, 2, 423, *CJ* X. xxxiv. 3 (Zeno), cf. also *CTb* XII. i. 72, 370, si quis negotiator fundos comparaverit et ut aliquorum possessor praediorum vocetur ad curiam, 96, 383, concessum curialibus provinciae Mysiae, ut, si quos e plebe idoneos habent, ad decurionatus munia devocent, ne personae famulantium facultate locupletes onera, pro quibus patrimonia requiruntur, obscuritate nominis vilioris evadant.

62. *CTb* XII. i. 33, 342, quoniam sublimitas tua suggestit multos declinantes obsequia machinari, ut privilegia rei privatae nostrae colonatus iure sectantes curialium nominationes declinent, sancimus, ut, quicumque ultra XXV iugera privato dominio possidens ampliorem ex re privata nostra iugerationis modum cultura et sollicitudine propria gubernaverit, omni privilegiorum vel originis vel cuiuslibet excusationis alterius frustratione submota curiali consortio vindicetur. illo etiam curiae similiter deputando, qui minus quidem quam XXV iugerorum proprietatem habeat, ex rebus vero nostris vel parvum vel minorem iugerationis modum studio cultionis exercet; note that the law arises from a suggestion made by the *comes Orientis*. Val. III, *Nov.* iii §4, 439, illam quoque partem dispositio nostra non praeterit, ut, quisquis civis vel incola deinceps in nullo obnoxius, cuius tamen substantia trecentorum solidorum non exuperet quantitatem, fuerit repertus, habeat adipiscendi clericatus liberam facultatem. eum vero, cuius patrimonium maiore quam definivimus aestimatione censebitur, liceat curiae secundum vetera statuta sociari, exceptis his qui sacris scriniis nostris et agentum in rebus scholae militant et aliis qui continuatae militiae observatione desudant, ut multis provisionum generibus ordinum numerus suppleatur nec tamen desint ministri venerandae religionis obsequiis; for land values see p. 822.

63. AGE LIMIT: *CTb* XII. i. 7, 320, filios decurionum, qui decem et octo annorum aetate vegetantur, per provinciam Carthaginem muneribus civicis adgregari praecipimus. neque enim opperendum est, ut solvantur familia et sacris explicentur, cum voluntates patrum praeiudicare non debeant utilitatibus civitatum; 19, 331, quoniam nonnulli diversarum civitatum curiales intemperanter minores, quibus publica tutela debetur, ad curiae consortium devocarunt, ut septem vel octo annorum constitutos nonnullos nominasse firmentur, decernimus, ut omnino nullus in curiam nominationibus devocetur nec functionum obsequia subire cogatur, nisi qui decimum et octavum annum aetatis fuerit ingressus; cf. Basil, *Ep.* 84 (a protest against the enrolment of the four-year-old grandson of a retired decurion). NOMINATION OF OUTSIDERS: *CJ* XII. xxxiii. 2 (285-93), non tantum decurionum filiis, sed omnibus in fraudem civilium munerum nomina armatae militiae dantibus fraudem prodesse displicuit; *CTb* XII. i. 10, 325, quoniam diversis praestitimus, ut legionibus vel cohortibus deputentur vel militiae restituantur, quisquis huiusmodi beneficium proferat, requiratur, utrum ex genere decurionum sit vel ante nominatus ad curiam, ut, si quid tale probetur, curiae suae et civitati reddatur; 13, 326, ut qui derelicta curia militaverit, revocetur ad curiam, non solum si originalis sit,

sed et si substantiam muneribus aptam possidens ad militiam confugerit vel beneficio nostro fuerit liberatus; xvi. ii. 3, 329 (S), cum constitutio emissa praecipiat nullum deinceps decurionem vel ex decurione progenitum vel etiam instructum idoneis facultatibus atque obeundis publicis muneribus opportunum ad clericorum nomen obsequiumque confugere; 6, 329 (S), cui nulla ex municipibus prosapia fuerit neque ea est opulencia facultatum, quae publicas functiones facillime queat tolerare.

64. SPECIAL ENROLMENT OF PLEBEII: *CTh* xii. i. 53, 362, placuit etiam designare, quae corpora sint, in quibus nominationis iuste sollemnitas exercetur. decurionum enim filios necdum curiae mancipatos et plebeios eiusdem oppidi cives, quos ad decurionum subeunda munera splendidior fortuna subvexit, licet nominare sollemniter; 137, 393, omnes, qui municipibus genere aut actu tenentur obnoxii, a militia vel a quibuslibet retrahi mandamus officiis, nec rescripta aut adnotationes ad munerum fugam prodesse permittimus. incolas etiam et vacantes, qui tamen idonei sunt, iubemus adstringi; 179, 415, vacantes quoque et nulla veterum dispositione ullius corporis societati coniunctos curiae atque collegiis singularum urbium volumus subiugari; Val. iii. *Nov.* iii §4, 439. MOESIA: *CTh* xii. i. 96, 383 (cited in n. 61). TRIPOLITANIA: *CTh* xii. i. 133, 393, quicumque ex numero plebeiorum praesentibus singularum ordinibus civitatum agro vel pecunia idonei comprobantur, muniis curialibus adregentur. qui vero nullam rei familiaris substantiam habent, militare in apparitorum numero non vetentur.

65. BASTARDS: Th. ii, *Nov.* xxii. 2, 443, *CJ* v. xxvii. 4, 470. SONS OF VETERANS: *CTh* vii. xxii. i, 313 (S), 2, 318 (S), xii. i. 15, 327, vii. xxii. 5, 333, xii. i. 32, 341, 35, vii. xxii. 4, 343, xii. i. 18 (326-53), vii. xxii. 7, 365, 11, 380, xii. i. 83, 380, 89, 382. DELINQUENT OFFICIALS: *CTh* xii. i. 66, 365, ordinibus curiarum, quorum nobis splendor vel maxime cordi est, non adgregentur nisi nominati, nisi electi, quos ipsi ordines coetibus suis duxerint adgregandos, nec quis ob culpam, ob quam eximi deberet ex ordine, mittatur in curiam; 108, 384, ne quis officialium curiae poenae specie atque aestimatione dedatur, nisi si quis forte curiam defugiens ob hoc coeperit militare, ne ingenitis fungatur officiis. omnes itaque omnino iudices tuae censurae subditos admonebis, ne quis aestimet curiae loco supplicii quemquam deputandum, cum utique unumquemque criminis non dignitas debeat, sed poena comitari; *CJ* xii. lvii. 13, 442, 14, 471. UNFROCKED CLERGY: *CTh* xvi. ii. 39, 408.

66. EQUESTRIAN RANK AND COMITIVA: P. *Oxy.* 1204, *CTh* vi. xxxviii. 1, 317, xii. i. 5, 317, vi. xxii. 1, 324 (S), xii. i. 26, 338, 41, 339 (S), 36, 343, 42, 346 (S), 44, 358.

67. The earliest prohibitions of decurions entering the senate are *CTh* xii. i. 29, 340, 42, 346 (S), addressed to the councils of Cirta and Caesena; *CTh* xii. i. 14 and 18 are of uncertain date but probably fall in Constantius II's reign. LAW OF CONSTANTIUS II: *CTh* xii. i. 48, 361, si qui forte decuriones munia detrectantes ad senatus nostri sese consortium contulerunt, exempti albo curiae propriis urbibus mancipandi sunt. qui vero praetorum honore perfuncti sunt residentes in senatu, redhibere debebunt quae ex rationibus fisci aut urbium visceribus abstulerunt, ita ut omnibus deinceps adipiscendi honoris huiusce aditus obstruatur. LAWS OF VALENTINIAN AND VALENS: *CTh* xii. i. 57, 58, 364, 74, 371, in his, qui ex curiis ad senatus consortia pervenerunt, haec forma servetur, ut, si perfunctus quispiam muneribus et filii subole nixus fuerit, quem senatorio necdum adepto honore suscepit, filium suum curiae functionibus tradat, ipse optata clarissimatus dignitate potiatur. quod si ei gemina vel numerosa suboles erit, tunc discrimen promptae dudum divalis legis adhibendum est, ut de



duobus eius liberis aut pluribus sortiendi unius filii ad collegium senatus habeat optionem, ita ut ei, qui cum patre vel post patrem ad consortium senatus legetur, divisione cum fratribus per sortem successionis patrimonii idonea solius glebae substantia congregetur. plane si qui curialis factus senator et unius filii posteritate subnixus ipsum senatui poposcerit coneciti seque promittat ad curiae munera regressurum, eiusmodi captio minime admittatur. ceterum si de numero curialium factus senator filium non habebit, quem functionibus patriae heredem generis ac munerum derelinquat, glebae senatoriae brevibus eximatur circa eos forma data, qui intra annos XI consulatus Constantii decimi et Iuliani III amplissimi ordinis participasse collegium monstrabuntur: ceterum anteriore tempore adscitos ipsa aequum est antiquitate defendi; cf. *CTb* XII. i. 90, 383, for the date 360.

68. ILLYRICUM: *CTb* XII. i. 82, 380, 93, 382. THEODOSIUS'S NEW RULES: *CTb* XII. i. 111, 386, 118, 387, 122, 390, ii quibus detulimus splendidos magistratus quosque etiam ornavimus insignibus dignitatum, si non habent curiam, cui aut necessitudinis foedere aut nexu sanguinis teneantur, in splendidissimum ordinem senatorium et illam nobilissimam curiam cooptentur. is vero ratio diversa sit, qui statim ut nati sunt, curiales esse coeperint. ii namque praerogativa quidem concessae dignitatis utantur atque eos praestiti honoris splendor exornet, sed maneat in sinu patriae et veluti dicati infulis mysterium perenne custodiant; sit illis piaculum inde discedere. de filiis vero eorum ut in avitis curiis debeant permanere, adefatim cautum est, cum adempta sit patribus licentia discedendi; 129, 392; 130, 132, 393; Libanius describes the change of policy in *Or.* XLIX. 5-6. WESTERN LAWS: *CTb* XII. i. 110, 385; 155, 397, quia receptum in splendidissimum ordinem submoveri dignitatibus non oportet, quisquis emensus curialia onera honorum vel administrationis vel quarumcumque aliarum dignitatum infulas impetraverit, ipse quidem decoretur insignibus, sed liberi omnisque successio paternae dignitatis obiectu curialia vincula non exuant, nisi forte quis iam senatore susceptus consortio curiae nobilioris adnectitur. inlustrium quoque virorum liberos, si non otio et torpore degeneri paternam exuere virtutem, fas erit excusari. in his tamen, qui ante expletas curialium munerum functiones meruerint dignitates, speciali humanitate tribuimus, ut, quae illis imponentur a patria, per substitutos praebere, si maluerint, non vetentur, nec agentis persona quaeratur, dummodo debiti non negetur officii. LAWS OF ARCADIUS AND THEODOSIUS II: *CTb* XII. i. 159, 398 (referred to in law 160, 404 (S)), 180, 416, 183, 418.

69. *CTb* XII. i. 187, 436, qui ante hanc legem spectabilium vel inlustrium quocumque modo sortiti sunt dignitatem, parto semel honore et privilegiis perfruantur. si qui vero postea ex decurionibus vel subiectis curiae ad spectabilium gradum processerint, per se tam curialia quam senatoria subeant munera eorumque liberi post senatoriam suscepti dignitatem patrum obstringantur exemplo. quod si qui inter inlustres etiam viros locum occupaverint non laborioso administrationis actu, sed honorario titulo dignitatis, senatui quidem per se respondeant, curiae vero per substitutos suarum periculo facultatum satisfaciant; quorum liberos et post eorum inlustrem dignitatem progenitos non solum senatorum, sed etiam decurionum munia per se, non per subrogatos, subire conveniet; Th. II, *Nov.* xv. 1, 439; 2, 444.

70. ZENO'S LAW: *CJ* X. xxxii. 64, cf. 66 (497-9); 67, 529.

71. MILITIA PALATINA: *CTb* XII. i. 5, 317, 22, 336 (full immunity), 31, 341, 38, 357 (S) (five years), VI. xxvi. 1, 362 (full immunity for *sacra scrinia*), XII. i. 88, 382 (thirty years), 100, 383, 120, 389, 154, 397, 147, 416 (no immunity), VI. xxxv. 14,

423 (fifteen years), XII. i. 188 (=CJ x. xxxii. 55), 436 (no immunity). Probably of the reign of Constantius II are VI. xxvii. 1 (twenty years for *agentes in rebus*), VIII. vii. 5 (fifteen years for various ministries), 6 (twenty-five years for *palatini* and *praefectiani* and *vicariani*). This immunity of *vicariani* had been abolished by 386 (CTh I. xv. 12). Officials of the *magistri militum* enjoyed no immunity (CTh XII. i. 175, 412, Th. II, Nov. vii. 4, 441).

72. PRINCIPES OF AGENTES IN REBUS: CTh VI. xxvii. 16, 413. PROXIMI SCRINIORUM: CJ x. xxxii. 67, 529.

73. PROVINCIAL OFFICIA: CTh XII. i. 22, 336, 31, 341, 42, 346, 96, 383, 134, I. xii. 4, 393, 6, 398. FORFEITURE OF PROPERTY: CTh XII. i. 139, 394, 161, 399.

74. THE ARMY: CJ XII. xxxiii. 2 (285-93) (contrast x. xlviii. 2 (285-93), which gives immunity to *ex protectoribus* and *ex praepositis*), CTh XII. i. 10, 325, 13, 326, VII. xiii. 1 (326-54), VII. ii. 1, 383, 2, 385, XII. i. 113, 386, 154, 397, VII. xx. 3 §3, 400, XII. i. 147, 181, 416, CJ XII. xxxiii. 4, 472. These laws all impose an absolute ban. By CTh XII. i. 38, 357 (S), five years' service gives immunity, by law 56 of 363 ten years, by law 88 of 382 five years, by law 95 of 383 fifteen years. FICTIVE MILITARY SERVICE: CTh VII. xxi. 3, 396, quicumque ex protectoribus aut domesticis honorarias missiones meruerint, sub hac norma penes eos dignitas maneat, ut neque municeps curiam neque collegiatum obsequium propriae urbis effugiat. Decurions were also forbidden to become *fabricenses*, CTh XII. i. 37, 344, 81, 380, x. xxii. 6, 412.

75. CONDUCTORES VECTIGALIIUM: CJ x. lvii. 1 (285-93), non alios a muneribus et honoribus vacationem habere, quam qui mancipatum suo nomine vectigal a fisco conducunt, certum est. quare eos, qui ab his quaedam exercenda accipiunt, nullis privilegiis esse munitos haud dubii iuris est; CTh XII. i. 97, 383, scias excepta dioecesi Aegyptiaca ubique servandum esse, ne usquam penitus in susceptionem vel minimi vectigalis decurio conductor accedat, sed eorum professionibus et personis omnis haec diversarum locationum summa credatur, qui ad exhibendam publicis rationibus fidem periculo et fortunae coguntur et vitae; in Egypt *κονδοκτογλαί* were treated as regular curial liturgies (P. Oxy. 2110). LEASE OF CROWN LANDS: CTh XII. i. 33, 342, 114, 386. Decurions were often excluded from leasing or managing crown land; CTh XII. i. 30, 340, x. iii. 2, 372, CJ XI. lxxiii. 1, 401, CTh XI. vii. 21, 412 (except old civic and sacred lands of their own city, CTh x. iii. 4, 383), but in Egypt a decurion was *πραιπόσιτος πατριωνυαλίων* in 322 (Cbr. I. 437). NAVICULARII: CTh XIII. v. 5, 329 (S), 14, 371, 16, 380; these laws allow immunity, which is abolished by XIII. v. 19, 390, quae de naviculariis et curialibus ordinasti maneant inlibata et perpetua; sint perpetuo navicularii, quia, qui merito esse debeant, providisti. ac si, cum obierint, subolem non relinquent, quilibet in eorum facultatibus qualibet ratione successerit, auctoris sui munus agnoscat. manebit vero in ordine curiali et ei filius in officium curiale succedat; XII. i. 134, 393, 149 + XIII. v. 25, 395. Libanius (Ep. 705) suggests that Megistus, the agent of Bassiana, might be given immunity by being enrolled *ἐν τοῖς κομίζουσιν ἀπ' Αἰγύπτου σῖτον*.

76. THE BAR: CTh XII. i. 188, 436, Th. II, Nov. x. 1, 439, CJ II. vii. 8, 440, 21, 500, x. xxxii. 67, 529. For the West see Val. III, Nov. ii. 2, 442. See also pp. 513-14.

77. PROFESSORS AND DOCTORS: CJ x. liii. 5 (293-305), CTh XIII. iii. 1, 321, 3, 333 (= CJ x. liii. 6), 16, 414 (= CJ x. liii. 11).

78. THE CHURCH: Eus. *HE* x. 7, *CTb* xvi. ii. 1, 313, 2, 313 (S), qui divino cultui ministeria religionis impendunt, id est hi, qui clerici appellantur, ab omnibus omnino muneribus excusentur, ne sacrilego livore quorundam a divinis obsequiis avocentur; 6, 326, neque vulgari consensu neque quibuslibet petentibus sub specie clericorum a muneribus publicis vacatio deferatur, nec temere et citra modum populi clericis conectantur, sed cum defunctus fuerit clericus, ad vicem defuncti alius allegetur, cui nulla ex municipibus prosapia fuerit neque ea est opulentia facultatum, quae publicas functiones facillime queat tolerare, ita ut, si inter civitatem et clericos super alicuius nomine dubitetur, si eum aequitas ad publica trahat obsequia et progenie municeps vel patrimonio idoneus dinoscetur, exemptus clericis civitati tradatur. opulentos enim saeculi subire necessitates oportet, pauperes ecclesiarum divitiis sustentari; 3, 329 (S), 7, 330, 9, 349.

79. Surrender of property is first mentioned in *CTb* xii. i. 49, 361. VALENTINIAN AND VALENS: *CTb* xii. i. 59 + xvi. ii. 17, 364, xvi. ii. 19, 370 (allows immunity after ten years), 21, 371 (allows immunity to those ordained before 364). THEODOSIUS I: *CTb* xii. i. 104, 383, 115, 386, 121, 390, 123, 391. LATER LAWS IN THE EAST: *CTb* ix. xlv. 3, 398, xii. i. 163, 399, 172, 410, *CJ* i. iii. 21, 442; IN THE WEST: Val. III, *Nov.* iii, 439, xxxv §§3-5, 452, Maj. *Nov.* vii §7, 458.

80. JUSTINIAN'S LAWS ON THE CLERGY: *CJ* i. iii. 52, 531, Just. *Nov.* vi §1, 535, cxxiii §§1, 4, 15, 546, cxxxvii §2, 565. MONKS: *CTb* xii. i. 63, 370, Val. III, *Nov.* xxxv §3, 452.

81. PATRONAGE OF POTENTIORES: *CTb* xii. i. 6, 318 (S), praecipimus itaque, ne decuriones in gremia potentissimarum domorum libidine ducente confugiant. . . . igitur si legis latae die repperietur quisquam patrimonium suum alienasse atque in dominum servulae contulisse, ordini liceat diligenter inquirere, ut ita rei publicae civitatis quod de facultatibus supra dicti fuerit deminutum, in pecunia sarciatur; 50, 362, et quoniam ad potentium domus confugisse quosdam relatum est curiales, ut tam foeda perfugia prohibeantur, multam statuimus, ut per singula capita singulos solidos dependat, qui ad potentis domum confugerit et tantundem qui receperit multae nomine inferat; 76, 371, 92, 382, 146, 395, Th. II, *Nov.* ix, 439, Maj. *Nov.* vii §§1-6, 458.

82. Sale of estates to purchase offices is mentioned in Lib. *Or.* xxviii. 22, xlvi. 11; the abstention of decurions from marriage in *Or.* ii. 72, xlvi. 30; their marrying their daughters to 'soldiers' in *Or.* xlvi. 30.

83. CONTROL OF SALES: *CTb* xii. iii. 1, 386 (cf. Lib. *Or.* xlvi. 37 ff.), 2, 423, *CJ* x. xxxiv. 3 (Zeno), Just. *Nov.* xxxii, 535; cf. Cass. *Var.* vii. 47.

84. THE RULE OF THE QUARTER: *CJ* x. xxxv. 1, 428. OBLATIO CURIAE: Th. II, *Nov.* xxii. 1, 442, 2, 443, *CJ* v. xxvii. 4, 470. JUSTINIAN'S LAWS: *CJ* x. xxxv. 3, 528, Just. *Nov.* xxxviii, 536, lxxxvii, ci, 539.

85. Maj. *Nov.* vii, 458, curiales nervos esse rei publicae ac viscera civitatum nullus ignorat.

86. For the perquisites of the leading decurions see Lib. *Or.* xlvi. 4, xlix. 8-9; cf. n. 41 for the *principales*.

87. BURDENS OF A DECURION: Lib. *Or.* xxv. 43, *Dig.* l. iv. 1 (Hermogenian), 18 (Arcadius Charisius). The list given by these authorities is not exhaustive; it appears for instance from Symm. *Ep.* ix. 48 that the decurions were responsible for allotting billets (*metata*).

88. For the privileges of *honestiores* see my *Roman Government and Law*, pp. 64-5; they are still recorded in the Digest and the Justinian Code, and still existed in the fifth and sixth centuries (see *CJ* II. xv. 2, 439, Just. Nov. xlv pr., 537). FLOGGING OF DECURIONS: *CTh* XII. i. 39, 349, 47, 359, IX. xxxv. 2, 376, XII. i. 80, 380, 85, 381, 117, 387, IX. xxxv. 6, 399, cf. Lib. Or. xxvii. 13, 42, xxviii. 4 ff., esp. 22, LIV. 51, *Ep.* 994, and *CTh* XII. i. 75, 371, 127, 392, 190, 436, Th. II, Nov. xv. 1, 439, where the *comitiva* or senatorial rank are regarded as protection against the *iniuriae* of provincial governors.

89. Th. II, Nov. xv. 1, 439.

90. Th. II, Nov. xv. 2, 444.

91. Libanius (Or. xxxii. 8) objected to the enrolment of his son Cimon on the council of Antioch on the ground that it was reduced in number and wealth, and the burden was unfairly distributed. For the latter abuse see also *CTh* XI. xvi. 4, 328, XII. i. 140, 148, 399, 173, 409 (S).

92. Cass. Var. IX. 4.

93. Just. Nov. xxxviii pr., 535.

94. VALERIAN: Th. II, Nov. xv. 2, 444. DOROTHEUS, IRENAEUS AND DOCTITIUS: *CJ* X. xxxii. 61, 63. ZENO'S LAW AND ANASTASIOS'S AMENDMENT: *CJ* X. xxxii. 64, 66. JUSTINIAN ON THE HONORARY ILLUSTRATE: Just. Nov. lxx, 538.

95. Proc. HA xxix. 17-25. Justinian in Nov. cxxi (535) tells the story of a curial family of Tarsus which must have been if not opulent comfortably off. Demetrius had borrowed 500 solidi, and his son and grandsons had paid back capital and interest to the amount of 949 solidi.

96. Libanius's aversion from technical terms often makes his meaning obscure, but he mentions *ἀρχαί* (*dignitates*) in Or. XLVIII. 11, 13; the senate with *militia* (surely in this context *palatina*) in XVIII. 146, τῶν μὲν εἰς τὰ στρατιωτῶν τῶν δὲ εἰς τὸ μέγα συνέδριον; *agentes in rebus* (ἀγγελιαφόροι) and *curiosi* (πευθῆρες) in XVIII. 135; *agentes in rebus* again in XLVIII. 7, οὗτος ὁπλίτης καὶ σιωπάται· ἐκεῖνος φέρει τὰς τοῦ βασιλέως ἐντολάς, ἄπτεται δ' οὐδείς (ὁπλίτης probably denotes *protector domesticus*); military officers in XLIX. 19, λοχῶν ἡγησαμένους ἀνθρώπους καὶ στρατιώταις ἐπιτάξαντας. For Latin and the law see Or. I. 214, XLIII. 4-5, XLVIII. 22 ff., XLIX. 27 ff., LXII. 21-3.

97. Lib. Or. XLVIII, XLIX, passim. For Antoninus of Ephesus see Pall. Dial. pp. 89-90.

98. For the individual cases see Lib. Or. XLVIII. 11-13; for the two excuses, XLVIII. 8, XLIX. 13 ff., 21 ff.; for bribery, XLVIII. 14; for collusion, XLVIII. 28 ff. Penalties on councils which fail to reclaim their members are threatened in *CTh* VII. ii. 2, 385, ordines etiam urbium noverint, si cuiquam praestitisse se gratiam doceantur ac non vera actis promendo per mendacium quemquam abire permiserint, se periculo subiaccere; XII. i. 110, 385, et ne colludio forte municipum quae sunt iussa frustrentur, sciant singularum ordines civitatum XXX libras auri se esse multandos, nisi ad reposcendos proprios sedulis institerint querellis; 113, 386, etc. It is worthy of note that Libanius himself, who was in the abstract so firm on maintaining the strength of the councils, in practice frequently supported individual claimants for immunity (*Ep.* 150, 245, 336, 374-6, 705, 789, 870, 902-9, 1393, 1524).

99. For the survival of civic spirit at Antioch see ch. XXIV, n. 67. For the West evidence is less abundant, but Symmachus speaks highly of the local aristocracy

of Beneventum (*Ep.* i. 3, et urbs cum sit maxima, singuli eius optimates visi sunt mihi urbe maiores, amantissimi literarum morumque mirabiles. deos magna pars veneratur, privatim pecuniam pro civitatis ornatu certatim fatigant), and inscriptions (e.g. *IRT* 564, 567, 569, 595) praise decurions for lavish games. VOLUNTARY MAGISTRATES: *CTh* XII. i. 177, 413, *CJ* x. xlv. 3, 465, 4 (528–9). A very exceptional case is that of Menander of Corinth, who on becoming a senator allowed his son Aristophanes to remain a decurion (*Lib. Or.* xiv. 6).

100. RUIN DUE TO CIVIC LITURGIES: *Lib. Or.* LIV. 22, 45; liturgies of course often caused temporary financial embarrassment to their holders, who, having their capital mostly in land, found difficulty in raising large sums in cash suddenly and had to sell some land (cf. Aug. *En. in. Ps.* cxlvii. 7, non enim illi tantum qui talia (sc. munera) edunt damno feriuntur, sed maiori damno percutiuntur qui talia libenter intuentur. illorum arca auro exinanitur . . . plangunt plerique editores vendentes villas suas; *PSI* 944, complaint of the wife of a *βουλευτής* who has got into debt *διὰ τὰ λειτουργήματα* and alienated her dowry). But this does not mean that they could not make up the expenditure later from income, and buy more land. RUIN DUE TO TAX COLLECTION: *Lib. Or.* XLIX. 2 (the Persian war), Theod. *Ep.* (*PG*) 42 (Cyrrhus), *Lib. Or.* XLVII. 7–10 (patronage), Cass. *Var.* II. 25, proinde factum est ut curiales, quibus nos volumus esse prospectum, imminetium sollicitudine coacti, gravia damna sentirent, et, si dici fas est, cum alienis debitis sub truculentis compulsoribus urgerentur, possessionum quoque suarum amissione privati sunt; this resulted from senators' failing to pay their taxes.

101. OPPRESSION BY DECURIONS: Salv. *Gub. Dei*, v. 18, 27 ff. EXTRAORDINARY LEVIES: *CTh* XI. xvi. 4, 328, XII. i. 173, 409 (S). EXACTORES: *CTh* XII. vi. 22, 386, non perpetui exactores in continuata vexandorum provincialium potestate veluti concussionum dominatione teneantur, sed per annos singulos iudiciaria sedulitate mutantur, nisi aut consuetudo civitatis aut raritas ordinis eos per biennium esse compellat. THE SONS OF AGENANTIA: Cass. *Var.* IX. 4, quapropter illustri magnificentia tua Agenantiam uxorem Campaniani viri disertissimi in Lucania provincia constitutam filiosque eorum de albo curiae suae faciat diligenter abradi, ut ventura posteritas nesciat fuisse quod vetatur obicere, quia calumnia non praesumitur, ubi aliqua probatio non habetur. proinde in possessorum numero potius collocentur passuri nihilominus molestias quas ipsi aliis ingerebant. ad tributa enim solita turbabuntur; faciem compulsoris horrebunt—a potestatibus iussa prius venisse nesciebant—, et votiva ignorantia fatigati formidare delegata incipient per quae antea timebantur. nam et ex ea parte bonis moribus vixisse probandi sunt, quando patiuntur inter illos otiosi vivere, quorum se non cognoscunt odia meruisse. alioquin non paterentur sub illis esse, quos se cognoscebant malis actibus incitasse; cf. IX. 2, erigite colla, depressi; sublevate animos, malorum sarcinis ingravati: date studium recuperare quae vos male cognoscitis amisisse. unicuique civi urbs sua res publica est. administrate civitatum sub consentanea voluntate iustitiam. ordines vestri aequabiliter vivant. nolite gravare mediocres, ne vos merito possint opprimere potiores. poena ista peccati est, ut unusquisque in se recipere possit quod in alterum protervus exercuit. vivite iuste, vivite continenter, quia vix audet quisquam in illos excedere, quibus culpas non potest invenire. JUSTINIAN ON CURIALES: *CJ* I. iii. 52 §1, 531.

102. TRANSFER OF GAMES: *CTh* XV. v. 1, 372, 3, 409, *Lib. Or.* XXXIII. 21. TRANSFER OF COLUMNS, ETC.: *CTh* XV. i. 14, 365, 37, 398.

103. FAMINES: *Lib. Or.* i. 205 ff., 226 ff., xxix. 2 ff. GAMES: *CTh* xv. ix. 2, 409, cf. *Lib. Or.* xxxiii. 14 ff. For public works see *CTh* xv. i, passim, where provincial governors are always assumed to be responsible and the city councils are mentioned in two laws only out of fifty-three, nos. 33 and 34, 395-6.

104. ELECTION OF DEFENSOR: *CJ* i. lv. 8, 409, *defensores ita praecipimus ordinari, ut sacris orthodoxae religionis imbuti mysteriis reverentissimorum episcoporum nec non clericorum et honoratorum ac possessorum et curialium decreto constituantur: de quorum ordinatione referendum est ad illustrissimam praetorianam potestatem, ut litteris eiusdem magnificae sedis eorum solidetur auctoritas*; 11 (= i. iv. 19), 505, *iubemus eos tantummodo ad defensorum curam peragendam ordinari, qui sacrosanctis orthodoxae religionis imbuti mysteriis hoc imprimis sub gestorum testificatione, praesente quoque religiosissimo fidei orthodoxae antistite, per depositiones cum sacramenti religione celebrandas patefecerint. ita enim eos praecipimus ordinari, ut reverentissimorum episcoporum nec non clericorum et honoratorum ac possessorum et curialium decreto constituantur*; *MAMA* III. 197A, *Ἰνδακος ὁ δοσιώτατος ἐπίσκοπος τῆς Κο[ρυκιωτ]ῶν πόλεως κέ ὁ ὑπ' αὐτῷ τεταγμένος ἐν[αγ]ῆς [κλήρος οἷ] τε κτήτορες κέ οἰκήτορες τῆς αὐ[τῆς] πόλεως περὶ δι[α]φορῶν κεφαλαίων ἰκέτε τῆς ἡμετέ[ρας] κατέστησαν γαληνότητος ὧν ἔφε[ξῆς] ἅ τῇ σῇ ὑπεροχῇ ἀνή[κοντα] συνῖδαμεν [θεῖω τύπῳ περιυλῖψαμεν διὰ] τοῦτο θεοσπί[ζομεν] τὸν [γινόμενον κατ'] ἀ κερὸν ἔκδικον ὀφίλοντα ἰρημέ[νην] πόλιν τηρεῖν ἀσι[γῆ] κέ τὸν ταύτης ἔφορον μηδα[μῶς] τῇ προστασί[α] τίνων αἰθεντίαν ἢ ἐξου[σίαν] ἐχόντων ἐπὶ] τούτῳ προχιρ[ί]ζεσθε, ἀλλὰ [τοῦ λοιποῦ τῇ ψῇ]φῳ κέ δοκιμασί[α] τοῦ τε νῦν κέ [τοῦ κατὰ κερὸν] θεοφιλεστάτου ταύτης ἐπισκόπου κέ τοῦ ὕ[π] αὐτῷ τεταγμένου] εὐαγοῦς κλήρου κέ τῶν [ἐν πᾶσι τοῖς κτήτορ]σι κέ οἰκήτορσι λογάδων τ[ῇ]ν τῶν ἰρημένων γ[λ]υεσθε προβολῇν μηδεν[ὸς] τολμήσοντος τῶν] τῆς κατὰ χώραν [τάξεως] πρῶτ[ε]ρ[υόντων] ἢ τῶν κα[λ]ουμένων ὠρδιναρίων ἐπικ[λ]ήσεω . . . μ[ή]τ[ε] ἀ[ξ]ιώσεσι[ν] ἤτοι] ἐντεῦξεσιν [ἢ γραφ]ομένες τ[ὸν] τῆς πόλεως ἔκδικον [ἢ τὸν ταύτης ἔφορον] . . . ; the title *ἐφορος* is otherwise unknown, and is perhaps equivalent to *curator*. The *σιτώνης* was also elected by the same body (*CJ* i. iv. 17, 491-505). In *Just. Nov.* cxxviii §16, 545, the *pater* and *σιτώνης* are elected by the bishop and landowners. For the equivalence of *curator* and *pater civitatis* see *CJ* i. iv. 26, 530, viii. xii. 1 (485-6), x. xxvii. 2 (Anastasius), xxx. 4, 530, xii. lxiii. 2, 530, *Just. Nov.* clx, where the *pater* is responsible for civic finance, and *CJ* i. iv. 25, 529, 26, 530, v. 12, 527, iii. ii. 4, 530, xliii. 1, 529, viii. li. 3, 529, *Just. Nov.* lxxxv, 539, where the *defensor* and *pater* are the two chief magistrates of a city.*

105. DEFENSOR: *Just. Nov.* xv, 535. *LOCI SERVATORES*: *Nov.* xvii §10, 535, xxviii §4, xxix §2, 535, cxxviii §20, 545, cxxxiv, 556; cf. *SEG* vii. 873-4 (Gerasa), [ἐπὶ Φλ. Ἀνασ]τασίον τοῦ μεγαλοπρε' καὶ ἐνδοξ' κομ' κ' δονκός κ' ἀρχ' τὸ β' κ' Φλ. Σεργίου τοῦ καθως' μ]αγιστριανοῦ καὶ τοποτηρητοῦ, *P. Cairo*, 67279, Δίος ὁ λαμπρ' καγκελ-λάριος τῆς τοποτηρεσίας ἐπιλαβόμενος τῆς Ἀνταιοπολιτῶν, Ἑλλαδῖος ὁ λαμπρ' σκρηνιάριος τοποτηρητῆς γενάμενος, *BGU* 669, τῷ μεγαλοπρε' καὶ περιβλε' Φλ. Μαρκέλλῳ καγκ' καὶ τοποτηρ' (Hermonthis). In the West there is perhaps an allusion to the office in *Greg. Ep.* iii. 49, de Bonifacio vero quaedam gravis ad nos accusatio pervenit, cuius scelera volumus utrum vera sint ut fraternitas tua (the bishop of Lilybaeum) cum loci servatore praetoris examinet. Cf. *IRT* 834-5, 839-40, 843 (tombs of the family of Stefanus *loki serbator* at Lepcis).

106. ZENO'S REFORM: *CJ* viii. xii. 1, (485-6). On the *vindices* see ch. XIII, n. III. POTAMO'S SCHEME: *Just. Ed.* xiii §15. JUSTINIAN'S MANDATES: *Just. Nov.* xvii §4, cf. xxiv §3, xxv §4, xxvi §4, xxx §8 (535-6). JUSTINIAN'S REFORM: *Just. Nov.* cxxviii §16, 545. Procopius's allegation (*HA* xxvi. 6-11) that Justinian confiscated the civic revenues appears to be unfounded; it is of course possible

that before 545 they mostly went into the pockets of provincial governors. DISCUSSORES: *CJ* I. iv. 26, x. xxx. 4, 530, Just. *Ed.* xii, 535, the mandates cited above, and *Nov.* cxviii §§17-8, 545.

107. Joh. Lydus, *Mag.* I. 28, τὸ γὰρ μηδένα τῶν ἀρχόντων ἐτέρα παρὰ τὴν ἐν ἑορταῖς στολῇ χρῆσασθαι πᾶσιν ἐστι γνωριμώτατον· καὶ οὐκ ἐπὶ τῆς Ῥώμης μόνης ἀλλὰ μὴν καὶ ταῖς ἐπαρχίαις τοῦτο κρατήσαν αὐτοὺς ἐγὼ διαμέμνημαι, ἕως ἂν τὰ βουλευτήρια διώκουν τὰς πόλεις, ὧν ἀπολομένων συνεξώλισθε τοῖς ἐν γένει τὰ ἐν εἵδει. *Evagr.* III. 42, περιεῖλε δὲ καὶ τὴν τῶν φόρων εἰσπραξὺν ἐκ τῶν βουλευτηρίων, τοὺς καλουμένους βλνδικας ἐφ' ἐκάστη πόλει προβαλλόμενος . . . ὅθεν κατὰ πολὺ οἱ τε φόροι διεργύσαν, τὰ τε ἄνθη πόλεων διέπεσεν· ἐν τοῖς λευκώμασι γὰρ τῶν πόλεων οἱ εὐπατρίδαι πρόσθεν ἐνεγράfonto, ἐκάστης πόλεως τοὺς ἐν τοῖς βουλευτηρίοις ἀντὶ συγκλήτου τινὸς ἐχούσης τε καὶ ὀριζομένης.

108. Mansi, ix. 277-8.

109. For the *comes civitatis* and *tribunus civitatis* see pp. 257-8, 260-2, 313.

110. ITALY: Cass. *Var.* II. 24-5, VII. 47, IX. 2, 4, XII. 8, Greg. *Ep.* IV. 26. SPAIN: the *Breviarium* includes *CTh* XII. i. 1, 12, 19, 20, 47, 55, 124, 151, 170, Th. II, *Nov.* ix, xv. 1, xxii. 1 and 2, Maj. *Nov.* vii.

111. MUNICIPAL ACTA: *P. Ital.* 4-5, 7 (557, Reate), 8, 10-11 (489, Syracuse), 12, 14-5, 21; those not specified all come from Ravenna, the latest being 21, of 625 A.D. NOTARIAL FORMULAE: *MGH (Leg.)*, v. 4, 28, 97, 136, 161, 170, 176, 202, 209 (Merovingian Gaul), 587 (Visigothic Spain). BERTRAM'S WILL: J. M. Pardessus, *Diplomata, chartae, epistolae, leges ad res Gallo-Francicas spectantia*, no. 230.

112. FLIGHT OF COLLEGIATI: *CTh* XII. i. 146, 395, VII. xxi. 3, 396, XII. i. 156, XIV. vii. 1, 397 (this law is in the *Breviarium*), de retrahendis collegiis vel collegiatis iudices competentes dabunt operam, ut ad proprias civitates eos, qui longius abierunt, retrahi iubeant cum omnibus, quae eorum erunt, ne desiderio rerum suarum loco originario non valeant adtinere. de quorum agnatione haec forma servabitur, ut, ubi non est aequale coniugium, matrem sequatur agnatio, ubi vero iustum erit, patri cedat ingenua successio; I. xii. 6, 398, VI. xxx. 16, 17, 399, VII. xx. 12, XII. xix. 1, 400, destitutae ministeriis civitates splendorem, quo pridem nituerant, amiserunt: plurimi siquidem collegiati cultum urbium deserentes agrestem vitam secuti in secreta sese et devia contulerunt. sed talia ingenia huiusmodi auctoritate destruimus, ut, ubicumque terrarum repperiti fuerint, ad officia sua sine ullius nisu exceptionis revocentur. de eorum vero filiis, qui tamen intra hos proxime quadraginta annos docebuntur fuisse suscepti, haec forma servabitur, ut inter civitatem et eos, quorum inquilinas vel colonas vel ancillas duxerint, dividantur, ita ut in ulteriorem gradum missa successio nullam calumniam perhorrescat; 2, 3, 400, XIV. vii. 2, 409 (S), Val. III, *Nov.* xxxv §3, 452 (in the *Breviarium*), Maj. *Nov.* vii. §§2-8, 458 (in the *Breviarium*), *Ed. Theod.* 64.

113. See C. R. Kraeling, *Gerasa, City of the Decapolis*, 65-6, 171 ff.

114. DELEGATIONS OF CITIES: *CTh* XII. xii. 7, 380, 8, 382, 11, 386, 15, 416. There are allusions to embassies sent by Antioch in 351, 359-60, 362, 363, 364 and 365 (*Lib. Ep.* I14, 551-2, 439-41, 449, 697, 704, 1184-6, 1432, 1499, 1505).

115. *C. Ilib.* can. 55, sacerdotes qui tantum coronas portant nec sacrificant nec de suis sumptibus aliquid ad idola praestant, placuit post biennium accipere communionem. TEMPLE AT HISPELLUM: *ILS* 705, cum igitur ita vos Tusciae

adsereretis esse coniunctos, ut instituto consuetudinis priscoe per singulas annorum vices a vobis atque praedictis sacerdotes creentur, qui apud Vulsinius Tusciae civitatem ludos scenicos et gladiatorum munus exhibeant, sed propter ardua montium et difficultates itinerum saltuosa impendio posceretis, ut indulto remedio sacerdoti vestro ob editiones celebrandas Vulsinius pergere necesse non esset, scilicet ut civitati, cui nunc Hispellum nomen est quamque Flaminiae viae confinem atque continuam esse memoratis, de nostro cognomine nomen daremus, in qua templum Flaviae gentis opere magnifico nimirum pro amplitudine nuncupationis exsurgere, ibidemque is sacerdos, quem anniversaria vice Umbria dedisset, spectaculum tam scenorum ludorum quam gladiatorii muneris exhibere, manente per Tusciam ea consuetudine, ut indidem creatus sacerdos apud Vulsinius ut solebat editionum antedictarum spectacula frequentare: precationi ac desiderio vestro facilis accessit noster adsensus. nam civitati Hispello aeternum vocabulum nomenque venerandum de nostra nuncupatione concessimus, scilicet ut in posterum praedicta urbs Flavia Constans vocetur; in cuius gremio aedem quoque Flaviae, hoc est nostrae gentis, ut desideratis, magnifico opere perfici volumus, ea observatione perscripta, ne aedis nostro nomini dedicata cuiusquam contagiose superstitionis fraudibus polluat; consequenter etiam editionum in praedicta civitate exhibendarum vobis licentiam dedimus; scilicet ut, sicuti dictum est, per vices temporis sollemnitas editionum Vulsinius quoque non deserat, ubi creatis e Tuscia sacerdotibus memorata celebritas exhibenda est.

116. ELECTION OF SACERDOTES: *CTh* XII. i. 148, 399 (S), cum super ordinando sacerdote provinciae publicus esset ex more tractatus, idem nostra auctoritate decretum est, ut ad subeunda patriae munera dignissimi et meritis et facultatibus eligantur nec huiusmodi nominentur, qui functiones debitas implere non possint. ASIARCH, ETC.: *CJ* I. xxxvi. 1, 465 (Syriarchia), v. xxvii. 1, 336, sacerdotii, id est Phoenicarchiae vel Syriarchiae, ornamenta; *CTh* VI. iii. 1, 393 (Syriarch), XII. i. 103, 383 (Syriarch), xv. ix. 2, 409 (cited below); cf. also *SEG* XVIII. 745 for a Libyarch. PROVINCIAL GAMES: *ILS* 705, *CTh* xv. v. 1, 372, sacerdotiorum editiones; ix. 2, 409, exceptis alytarchis Syriarchis agonothetis itemque Asiarchis et ceteris quorum nomen votiva festivitatis sollemnitas dedicavit; the title *agonothetes* recurs in *CTh* XII. i. 109, 385. IMPERIAL SUBVENTION: Lib. *Ep.* 970-1, 1147-8, 1459; W. Liebeschütz (*Historia* VIII (1959), 113-26) has demonstrated that these letters refer to the Syriarchia. ENDOWMENTS: Marc. *Nov.* iii, 451, agonotheticas possessiones. LEVIES: *CTh* VI. iii. 1, 393, si quid Syriarchiae a senatoriis possessionibus annua conlatione confertur iubemus aboleri. HYMETIUS: *ILS* 1256, quod studium sacerdotii provinciae restituerit ut nunc a competitoribus adpetatur quod antea formidini fuerit.

117. The *sacerdotium* was a *munus patrimonii* (*CJ* x. xlii. 8, 293-305), but was supposed to be voluntary (*CTh* XII. i. 103, 383, voluntate propria unusquisque Syriarchiae munus suscipere debet, non necessitate imposita; 166, 400, iuxta veterem morem Mecilianus legatus adstruxit, ut sacerdotum filii inviti ad sacerdotium non cogantur. antiquam igitur consuetudinem laudabilitas tua praecipiat custodiri, ita ut neque ullus indebite teneatur et tamen idonei sacerdotes deesse non possint). IMMUNITIES OF SACERDOTALES: *CTh* XII. i. 21, 335, v. 2, 337, i. 75, 371; also VII. xiii. 22, 428 (excused recruits). IMPERIAL TITLES: *CTh* XII. i. 75, 371, 109, 385 (*ex comitibus*), Bruns, *Fontes*?, 97b (senators). *Sacerdotales* are spoken of as *curiales* of the highest rank in *CTh* XII. i. 77, 372, XVI. v. 52, 412, 54, 414. CHOSEN FROM ADVOCATES: *CTh* XII. i. 46, 358, a solis praecipimus advocatis eorumque consortio dari provinciae sacerdotem. nec aliquis arbitretur ita esse advocacionis necessitatem impositam sacerdotio, ut et



ab eo munerum oppidanorum functio secernatur, cum nulla umquam iura patronis forensium quaestionum vacationem civilium munerum praestituerint; from the decurions of the metropolis or other cities: Bruns, *Fontes*<sup>7</sup>, 97b, 375, ex sententia denique factum est, quod divisis officiis per quattuor civitates, quae metropolis apud Asiam nominantur, lustralis cernitur edi[tio?] constituta, ut, dum a singulis exhibitio postulatur, non desit provinciae coronatus nec gravis cuiquam erogatio sit futura, cum servatis vicibus quinto anno civitas praebeat editorem. nam et illud quoque libenter admisimus quod in minoribus municipiis generatis, quos popularis animi gloria maior attollit, facultatem tribui edendi muneris postulasti, videlicet ut in metropoli Efesena alia e civitate Asiarchae sive alytarchae procedant ac sic officiis melioribus nobilitate contendant. unde qui desiderii sub seculi nostri felicitate ferventibus gaudiorum debeamus fomenta praestare celebrandae editionis dedimus potestatem, adversum id solum voluntatem contrariam ref[eren]tes, ne suae civitatis obliti eius in qua ediderint munera, curiae socientur, Feste carissime ac iucundissime. laudata ergo experientia tua nostri potius praecepta sequatur arbitrii, ut omnes qui ad hos honores transire festinant, cunctas primitus civitatis suae restituant functiones, ut peractis curiae muneribus ad honorem totius provinciae debito favore festinent percepturi postmodum, si tamen voluerint, senatoriam dignitatem, ita tamen, ut satisfaciens legi in locis suis alteros deserant substitutos. ceterum nequaquam ad commodum credimus esse iustitiae, ut expensis rebus suis laboribusque transactis veluti novus tiro ad curiam transeat alienam, cum rectius honoribus fultus in sua debeat vivere civitate; *CTh* XII. i. 174, 412, curiales etiam sacerdotio provinciae, sed et filios reddi praecipimus propriae civitati; 176, 413, exceptis his, qui Karthaginensi curiae munus sacerdotii transegerunt, omnes, quicumque ex aliis provinciis atque civitatibus hoc honore decorantur, ad proprias urbes redire praecipimus; . . . inhiberi autem etiam illas occasiones praesenti auctoritate censemus, ne comparatis sacerdotialis aliquis subito aedibus domicilium se habere confingat, cum specialiter statuisset videamur, ut quisque illo redeat, unde eum ducere originem constat; XVI. x. 20 pr., 415, sacerdotales paganae superstitionis competenti coercitioni subiacere praecipimus, nisi intra diem kalendarum Novembrium de Karthagine decedentes ad civitates redierint genitales, ita ut simili quoque censurae per totam Africam sacerdotales obnoxii teneantur, nisi de metropolitanis urbibus discesserint et remearint ad proprias civitates. LEO AND THE SYRIARCHIA: *CJ* I. xxxvi. 1, 465, titulos, qui alytarchiae et Syriarchiae muneribus in prima Syria deputati sunt, per officia tam viri spectabilis comitis Orientis quam viri clarissimi rectoris provinciae flagitari praecipimus. alytarchiae quidem ludi cura viri spectabilis comitis Orientis et eius officii, Syriarchiae vero sollicitudine viri clarissimi moderantis provinciam eiusque apparitionis exercentur, nullique penitus curialium, nec si voluerint, idem munus vel honorem subeundi licentia permittatur. The alytarchia was the Antiochene Olympia, a civic festival, see W. Liebeschütz, *Historia* VIII (1959), 113–26.

118. For the complaints of provincial delegations and the laws issued in response to them see p. 356. In *IG* VII. 24 a decision on the amounts and dates of the contributions to the two *ὀρεσποραιποσιταί* of Scarphaea and Corinth by the several cities of Achaia *διετυπώθη μεταξὺ τῶν Ἑλληνίδων πόλεων ἐς ταῦτὸ συνελθουσῶν ἐν τῇ Κορινθίων μητροπόλει*. DIOCESAN CONCILIA: *CTh* XII. xii. 9, 382, sive integra dioecesis in commune consuluerit sive singulae inter se voluerint provinciae convenire: *MGH* (*Ep.*) III. 13–5 (the Seven Provinces, 418); *CTh* XI. i. 33, 424, implies a delegation from the diocese of Macedonia, including the province of Achaia. RULES FOR RECEPTION OF DELEGATIONS: *CTh* XII. xii.

1, 355, in Africanis provinciis universis conciliis liberam tribuo potestatem, ut congruente arbitrio studii condant cuncta decreta aut commodum quod credunt consulant sibi, quod sentiunt eloquantur decretis conditis missisque legatis. nullus igitur obsistat coetibus dictator, nemo conciliis obloquatur; 3, 4, 364, iuxta legem divi Constantini nihil post tractatum habitum civitatum voluntate mutetur sive mutiletur, sed integrae atque inlibatae civitatum petitiones ad magnificentissimae sedis tuae notitiam perferantur, ut sit examinis tui, quatenus ex his auxilio tuo implenda protinus, quae clementiae nostrae auribus intimanda videantur; 9, 382, 10, 385, quotienscumque ex diversis provinciis ad sacrum mansuetudinis nostrae comitatum legationes, quas instruxere decreta, necesse erit commovere, in auditorio quidem celsitudinis tuae universa tractentur, sed ita, ut nullum finem capiat ordo gestorum inlibataque rerum decisio singularum nostro auditui sententiaeque servetur, ita ut deinceps excellentia tua, cum in consistorio mansuetudinis nostrae secundum consuetudinem ex decretis petitiones legatorum de nostris scriniis recitantur, motum proprii arbitrii ratione decursa sententiis, quas pandimus, referat; 12, 392, si quod extraordinarium concilium postulatur, cum vel ad nos est mittenda legatio vel vestrae sedi aliquid intimandum, id, quod inter omnes communi consilio tractatuque convenerit, minime in examen cognitoris ordinarii perferatur. provincialium enim desideria, quibus necessaria saepe fortuitis remedia deposcuntur, vobis solis agnoscere atque explorare permittimus, nobis probationem ac iudicium reservamus; 14, 408, omnium legationum provincialium instructiones apud sublimitatem tuam actis legi pensarique praecipimus, ut, quae digna nutu vel indulgentia nostrae clementiae probabuntur, eligere et referre ad nos sublimitas tua non ambigat. nam remedia fessis quibusque necessaria nostro arbitrio decernentur. *USE OF CURSUS PUBLICUS: CTh XII. xii. 9, 382.*

119. COMPOSITION OF CONCILIA: *CTh XII. xii. 12, 392*, ad provinciale concilium in una frequentiore totius provinciae urbe cunctos volumus convenire, qui primatum honorantur insignibus, exceptis praefectoriis, quos dignitatibus ampliatis indignum a consiliantibus praeteriri, indignius vero ad publicum cum honoris iniuria devocari; unde honestum esse censemus de singulis quae tractanda erunt intra domos suas eos consuli, ut nec plebi mixta dignitas inclinetur nec eius, cuius praesentiae copia deerit, probatum in re publica consilium neglegatur; scilicet ut in loco publico de communi utilitate sententia proferatur atque id, quod maioris partis probarit adsensus, sollemnis firmet auctoritas; 13, 392, provinciale concilium quo tempore iniri debeat, cum adsensu omnium atque consilio propria auctoritate definiat, ita ut ipse conventus in una opulentiore totius provinciae urbe absque ullius iniuria celebretur. inde quod in consilium communia vota deducunt, vel in aede publica vel in aliqua fori parte tractetur, ad quam omnium possit esse concursus, ne quid dispositio paucorum tegat, quod in communem utilitatem expetat sollicitudo cunctorum. si quis autem eorum virorum, quos emeritos honor a plebe secernit, provincialium extraordinario cupit interesse concilio, pro suo loco atque ordine servata reverentia dignitatis vel ad eum locum, in quo cunctorum desideria possit agnoscere, ire debet vel procuratoribus destinatis sententiae suae promovere voluntatem, modo ut, quod voluerit paucorum voluntas, publica convocetur auctoritas; *MGH (Ep.) III. 13-5, 418*, unde illustris magnificentia tua et hanc praeceptionem nostram et priorem sedis suae dispositionem secuta, id per Septem Provincias in perpetuum faciet custodiri, ut ab Idibus Augustis quibuscumque mediis diebus in Idus Septembres in Arelatensi urbe noverint honorati vel possessores, iudices singularum provinciarum annis singulis concilium esse servandum; ita ut de Novempopulana et secunda Aquitanica,

quae provinciae longius constitutae sunt, si earum iudices occupatio certa retinuerit, sciant legatos iuxta consuetudinem esse mittendos. qua provisione plurimum et provincialibus nostris gratiae nos intelligimus utilitatisque praestare, et Arelatensi urbi, cuius fidei secundum testimonia atque suffragia parentis patriciique nostri multa debemus, non parum adicere nos constat ornatui. sciat autem magnificentia tua, quinis auri libris iudicem esse multandum, ternis honoratos vel curiales, qui ad constitutum locum intra definitum tempus venire distulerint. The delegates chosen by the *concilia* comprise senators, *comites* and *sacerdotales* (CTh XI. i. 34, XII. i. 186, 429, Val. III, Nov. XIII, 445, CIL VIII. 27, IRT 588). From Sid. Ap. Ep. I. 6, non nequiter te concilii tempore post sedentes censesque iuvenes inglorium rusticum, senem stantem latitabundum pauperis honorati sententia premat, it would appear that only *honorati* had seats and could make proposals and that the others stood in the background (and perhaps voted).

120. Just. App. vii §12, 554, Nov. cxlix, 569, clxi, 574.

## XX. THE LAND (pp. 767-8)

There is an excellent survey of late Roman agriculture, especially on the technical side, by C. E. Stevens in the *Cambridge Economic History*, vol. I, ch. II. E. R. Hardy, *The Large Estates of Byzantine Egypt* (New York, 1931), gives a good account, based on the papyri, of the management of large estates, especially those of the Apion family. The colonate is exhaustively discussed, with a full summary of the earlier literature, by R. Clausen, *The Roman Colonate* (New York, 1925). Later contributions to this subject include C. Saumagne, *Byzantion* XII (1937), 487-581, F. L. Ganshof, *Antiquité Classique* XIV (1945), 261-77, A. Segré, *Traditio* V (1947), 103-33, and myself in *Past and Present* XIII (1958), 1-13.

1. On the techniques of Roman agriculture see C. E. Stevens, *Cambridge Economic History*, vol. I, chap. II.

2. SEED AT ONE ARTABA THE ARURA: *P. Tebt.* 108, 375, *BGU* 171, 538, 918, *PSI* 31, *Sb* 7196, *Chr.* I. 362. A yield of tenfold is implied by *P. Tebt.* 49 (failure to cultivate  $2\frac{1}{4}$  arurae is estimated to involve a loss of 20 artabae), *BGU* 1217 (81,540 arurae yield 834,500 artabae of cereals, mainly wheat) and *PSI* 400 (an offer by a prospective bailiff to give the landlord 10 artabae for each arura sown). A list of Egyptian land leases from Diocletian to the Arab conquest is given in Johnson and West, *Byzantine Egypt: Economic Studies*, 80-93. ITALY: Columella, II. 9 (rate of sowing), III. 3 (yield), Varro, *de re rustica*, I. 44, Pliny, *Hist. Nat.* XVIII. 198-200, Palladius, *de re rustica*, XII. 1 (rate of sowing). SICILY: Cic. *II Verr.* III. 112 (rate of sowing and yield). CYRENAICA: Hyginus, *de condicione agrorum* (*Corpus Agrimensorum Romanorum*, p. 86), where an area equal to a iugerum is called a medimnus.

3. ASSESSMENT OF ARABLE, VINEYARD AND OLIVES: *Leges Saeculares*, 121 (FIR II<sup>2</sup>. 795-6). For Egyptian leases see n. 2.

4. SPANISH HORSES: *CTh* xv. x. 1, 371, *Symm. Ep.* iv. 7, 58-60, 63, v. 82-3, vii. 48, 82, ix. 12, 18, 20-2. CAPPADOCIAN HORSES: *CTh* xv. x. 1, 371 (*equi Palmati* came from the Villa Palmati near Tyana, *Itin. Burd.* 577. 6, O. Cuntz, *Itineraria Romana*, i. 93). WOOL PRICES: *Ed. Diocl.* xxv. 1-9. PAPAL RANCHES IN SICILY: *Greg. Ep.* ii. 38. SALTUS ERUDIANUS: *P. Ital.* 3; for perquisites of fruit, etc., in Egyptian leases see the list cited in n. 2.

5. See ch. XIII.

6. RURAL AND URBAN RENTS OF THE ROMAN CHURCH: *Lib. Pont.* xxxiv, xxxv, xxxix, xlii, xlii.

7. See pp. 732-4 and pp. 893-9 for the estates and revenues of the cities and churches.

8. For senators see pp. 554-7, for decurions pp. 738-9.

9. COHORTALES OF SYRIA: *CTh* viii. iv. 11, 365. PRINCIPES OF OSRHOENE: *CTh* xii. i. 79, 375, 105, 384; for civil servants see also pp. 569, 572, 596, 599. SOLDIERS: *CTh* vii. i. 3, 349, quicumque militum ex nostra auctoritate familias suas ad se venire meruerint, non amplius quam coniugia liberos, servos etiam de peculio castrensi emptos neque adscriptos censibus ad eosdem excellentia tua dirigi faciat (*servi adscripti censibus* were agricultural slaves); cf. also pp. 648, 678-9. BARRISTERS: *CJ* ii. vii. 22 §1, 505, 24 §1, 517, ad haec eos, qui, prout statutum est, fisci patroni deposuerint officium, postea quoque non prohiberi singulos tam pro se quam pro iugali sua et socero et socru nec non genero et nuru liberisque propriis, colonis et servis ad se pertinentibus advocacionis fungi officio; these laws refer to barristers of quite humble courts (those of the *comes Orientis* and the *praeses* of Syria II). PROFESSORS AND DOCTORS: *Lib. Or.* XLVII. 13, *Ep.* 776, 1089-90, *P. Cairo*, 67151.

10. CLERGY: *CTh* xvi. ii. 15, 360, de his sane clericis, qui praedia possident, sublimis auctoritas tua non solum eos aliena iuga nequaquam statuet excusare, sed etiam pro his, quae ipsi possident, eosdem ad pensitanda fiscalia perurgeri. DAMASUS: *Lib. Pont.* xxxix. REMIGIUS: see below n. 36. AUGUSTINE'S CLERGY: *Aug. Serm.* 355-6. Cf. *Amb. Off.* i. 184, (a priest) ab omni usu negotiationis abstinere debet agelluli sui contentus fructibus, si habet, si non habet, stipendiorum suorum fructu. RAVENNATE CLERGY: *P. Dip.* 118, *P. Ital.* 21. See also the wills of Gregory Nazianzen (*PG* xxxvii. 389-96) and Caesarius of Arles (*PL* LXVII. 1139-42), and *C. Sard.* can. 12.

11. For *navicularii* see pp. 827-9. In Joh. Moschus, 188, we meet two brothers who were ἀγροποικῆται at Constantinople and owned inherited land in Syria. HERMOPOLIS REGISTER: *P. Flor.* 71, analysed in *JRS* XLIII (1953), 58 ff., for the craftsmen see p. 61. RAVENNATE DOCUMENTS: *P. Ital.* 14-15, *P. Dip.* 113, 117.

12. See preceding note.

13. THEADELPHIA REGISTER: *P. Princeton*, 134, analysed in *JRS* XLIII (1953), 63 ff. A similar distribution of land may be inferred at Caranis from *P. Cairo Isid.* 9, 11, where the πολῖται appear to have numbered 22, and to have paid under 1,000 *artabae* in tax, while the κομῆται were about 130, and paid over 7,000 *artabae*: the average peasant's holding, it may be noted, is larger than the average townsman's. RENTAL OF PATAVIUM: *P. Ital.* 3.

14. Salvian, *Gub. Dei*, v. 27-35, cf. pp. 451-2, 466-8, for false assessments, remissions of arrears and *extraordinaria*.

15. THEADELPHIA: *P. Thead.* 17. GAUL: Salvian, *Gub. Dei*, v. 43. It is hardly necessary to cite the many constitutions forbidding landlords to harbour runaway *coloni*.

16. Just. *Nov.* xxxii, xxxiii, xxxiv, 535.

17. Lib. *Or.* XLVII. 1-16.

18. EGYPT: *CTb* XI. xxiv. 1, 360, colonorum multitudinem indicasti per Aegyptum constitutorum ad eorum sese, qui variis honoribus fulciuntur, ducum etiam patrocina contulisse; 3, 395 (addressed to the *comes Aegypti*), quicumque ex officio tuo vel ex quocumque hominum ordine vicos in suum detecti fuerint patrocinium suscepisse, constitutas luent poenas. More general laws are 2, 368, 4, 399, censemus, ut, qui rusticis patrocina praebere temptaverit, cuiuslibet ille fuerit dignitatis, sive magistri utriusque militiae sive comitis sive ex proconsulibus vel vicariis vel Augustalibus vel tribunis sive ex ordine curiali, etc., and 5, 399.

19. *CTb* XI. xxiv. 6, 415, Valerii, Theodori et Tharsacii examinatio contiscat, illis dumtaxat sub Augustaliano iudicio pulsandis, qui ex Caesarii et Attici consulatu possessiones sub patrocinio possidere coeperunt. quos tamen omnes functionibus publicis obsecundare censemus, ut patronorum nomen extinctum penitus iudicetur. possessiones autem adhuc in suo statu constitutae penes priores possessores residebunt, si pro antiquitate census functiones publicas et liturgos, quos homologi coloni praestare noscuntur, pro rata sunt absque dubio cognituri. metrocomiae vero in publico iure et integro perdurabunt, nec quisquam eas vel aliquid in his possidere temptaverit, nisi qui ante consulatum praefinitum coeperit procul dubio possidere, exceptis convicanis, quibus pensitanda pro fortunae condicione negare non possunt. et quicumque in ipsis vicis terrulas contra morem fertiles possederunt, pro rata possessionis suae glebam inutilem et conlationem eius et munera recusent. ii sane, qui vicis quibus adscripti sunt derelictis, et qui homologi more gentilicio nuncupantur, ad alios seu vicos seu dominos transierunt, ad sedem desolati ruris constrictis detentatoribus redire cogantur, qui si exsequenda protraxerint, ad functiones eorum teneantur obnoxii et dominis restituant, quae pro his exsoluta constiterit. et in earum metrocomiarum locum, quas temporis lapsus vel destituit vel viribus vacuavit, ex florentibus aliae subrogentur. arurae quoque et possessiones, quas curiales quolibet pacto publicatis apud acta provincialia desiderii suis vel reliquerunt vel possidere alios permiserunt, penes eos, qui eas excoluerunt et functiones publicas recognoscunt, firmiter perdurabunt, nullam habentibus curialibus copiam repetendi. quidquid autem in tempus usque dispositionis habitae a viro inlustri decessore sublimitatis tuae ecclesiae venerabiles, id est Constantinopolitana atque Alexandrina, possedissee deteguntur, id pro intuitu religionis ab his praecipimus firmiter retineri, sub ea videlicet sorte, ut in futurum functiones omnes, quas metrocomiae debent et publici vici pro antiquae capitationis professione debent, sciant procul dubio subeundas. nequaquam cefalaeotis, irenarchis, logografis chomatum et ceteris liturgis sub quolibet patrocinii nomine publicis functionibus denegatis, nisi quid ex his quae exigenda sunt vel negligentia vel contemptus distulerit. metrocomias possidere nostro beneficio meruerunt, et publicos vicos committere compellantur.

20. In Egyptian documents of the Principate the word *δμολογος* appears to be used as an equivalent of *λαογραφούμενος*, entered on the census, see Wilcken, *Grundzüge*, 59-60.

21. *CJ* XI. liv. 1, 468 (citing Marcian's law), 2, μηδεὶς κωμήταις προστασίαν ὑπισχεῖσθω μηδὲ δεχέσθω γεωργούς ἐπὶ τούτῳ ὑπόσχεσιν προσόδων ἢ ἕτερον κέρδος λαμβάνων . . . οἱ κωμήται, εἰ μὲν δοῦλοι εἴεν, τοῖς δεσπόταις ἀποδοθήσονται σωφρονισθέντες, οἱ δὲ ἐλεύθεροι κ' λίτρας προστιμῶνται καὶ τύπτονται μετὰ δέκα τῶν πρωτενόντων τῆς κώμης καὶ διηρεκῶς ἐξορίζονται, ἐν ᾧ γνώμη πάντων ἐστασίασαν.

22. Salvian, *Gub. Dei*. v. 38 ff.

23. GRANTS TO VETERANS: *CTh* VII. xx. 3, 320, 8, 364, Anon. *de rebus bell.* v. 4.

24. From *CTh* v. xvi. 34, 425, verum quotiens alicui colonorum agrum privati patrimonii nostri placuerit venundari, non unus tantum, qui forte consortibus suis gravis ac molestus existat, sed alii quoque duo vel plures ex simili origine ac iure venientes in supradicta emptione sociuntur, it appears that *coloni* of the *res privata* sometimes bought crown lands. MELANIA'S ESTATES: *V. Mel.* (L), 15.

25. VILLAGES OF LANDLORDS AND OF FREEHOLDERS: *Lib. Or.* XLVII. 4, 11, *Theod. Hist. Rel.* xiv, xvii.

26. The estates of the church are mentioned in *V. Theod. Syc.* 75-6. MANCIAN TENURES: C. Saumagne in *Tablettes Albertini; Actes privées de l'époque Vandale* (Paris, 1952), 97 ff.

27. HERMOPOLIS: *JRS* XLIII (1953), 59-60, 63-4.

28. For the Apion estates see n. 34. Their contribution to the *ἐμβολή* was c. 140,000 *artabae*; the total contribution of the Oxyrhynchite and Cynopolite was 350,000 *artabae* (*P. Oxy.* 1909).

29. For recruits from Illyricum, Thrace and Asia Minor see p. 668. For the ineligibility of *adscriptionii* as recruits p. 614.

30. SPAIN: *V. Mel.* 19, 37, Pan. Lat. II. 9 (Theodosius), Orosius, VII. xl. 5-6 (Didymus and Verinianus); cf. also Symmachus's many horsebreeding friends (see n. 4). AFRICA: Symm. *Ep.* VII. 66, Aug. *Ep.* 58 (Pammachius and other Roman senators), *V. Mel.* 20 ff. (Pinianus), *Not. Dig. Occ.* xii. 5, *CTh* VII. viii. 7, 400, 9, 409 (Gildo).

31. For the *res privata* see pp. 412 ff. CHURCH OF ROME: *Lib. Pont.* xxxiv, xxxv, xxxix, xlii, xlvi; for the sixth century see n. 45. CHURCH OF CONSTANTINOPLE: *CJ* I. ii. 24 §11, 530 (cited in ch. XVI, n. 9), cf. *CTh* XI. xxiv. 6, 415 (cited in n. 19) for Egypt. CHURCH OF RAVENNA: *P. Ital.* 12 (Forum Cornelii), 13 (Urbinum, Luca), 18-9 (Agubium), 20 (Ariminum), Simplicius, *Ep.* 14 (Bononia), Greg. *Ep.* XI. 8 (Sicily); it is probable that *P. Ital.* 3 (accounts of two estates in Patavium) belongs to the Ravennate archives. CHURCH OF MILAN: Greg. *Ep.* I. 80, XI. 6, Cass. *Var.* II. 29. ANTINOOPOLIS: *P. Flor.* 71, lines 747-52. NICAEEA: *CJ* XI. lxx. 6, 480.

32. SYMMACHUS: Symm. *Ep.* VI. 11 (Samnium), 12 (Apulia), 66, IX. 52 (Sicily), VII. 66 (Mauretania); for his villas see pp. xlv-vi of Seeck's edition. MELANIA: *V. Mel.* 11-12, 19-21, 37. PAULINUS OF PELLA: Paul. *Euch.* 498 ff., 575 ff. (Burdigala), 413 ff. (Achaea, etc.), he also had an estate at Massilia (516 ff.); for his father's vicariate see line 26. Olympias owned estates in Thrace,

Bithynia, Galatia and Cappadocia (*V. Olymp.* 5), and Proba of the Roman family of the Anicii owned lands in Asia (*A.C.Oec.* i. ii. 90). Basil's family, which was probably not senatorial, held land in three provinces (Greg. Nyss. *V. Macr.* 965, καὶ τρισὶν ἀρχουσιν ὑπετέλει διὰ τὸ ἐν τοσοῦτοις ἔθνεσιν αὐτῆς κατεσπάρθαι τὴν κτῆσιν. In Greg. *Ep.* ix. 88 the rectors of the patrimony in Sicily, Campania, Bruttium and Calabria are instructed to protect the estates of Romanus, ex-praetor of Sicily (see n. 45).

33. BERTRAM'S WILL: J. M. Pardessus, *Diplomata Chartae Epistolae Leges ad res Gallo-Francicas spectantia*, no. 230.

34. *P. Oxy.* 127R, συντελεῖ ὁ ἔνδοξ(ος) οἰκ(ος) Ὁξυρυγχ(ιτών) ὑ(πὲρ) ἐμβολῆς σί(τον) καν(κέλλω) (ἀρταβῶν) (μυριάδας) η καὶ ζωιη (ῥήμουν) . . . συντελεῖ ὁ ἔνδοξ(ος) οἰκ(ος) τῆς Κυνῶν ὑ(πὲρ) ἐμβολῆς σί(τον) καν(κέλλω) μυριάδ(ας) ε καὶ βω [. . .]. For the rate of ἐμβολή see *P. Cairo*, 67057.

35. The land registers of Magnesia (Kern, *Inscr. von Magnesia am Maiander*, no. 122), Tralles (*BCH* 1880, 336-8), Hermopolis (*P. Flor.* 71) and other places are discussed in *JRS* XLIII (1953), 49 ff.

36. ANTINOOPOLITES: *P. Flor.* 71, lines 521, 566, 599, 747-51. LETOIUS OF ANTIOCH: Theod. *Hist. Rel.* xiv. REMIGIUS'S WILL: *MGH (Scr. Rer. Merov.)* III. 336-47; for a defence of its authenticity and an analysis of its contents see *Rev. Belge Phil. Hist.* xxxv (1957), 356 ff. SMALL HOLDINGS AT HERMOPOLIS: *JRS* XLIII (1953), 60.

37. FUNDI OF THE ROMAN CHURCH: *Lib. Pont.* xxxiv. RAVENNATE FUNDI: *P. Dip.* 116 (1½ oz. for 5½ solidi = 42⅔ solidi), 117 (2 oz. for 20 = 120), 118 (4 oz. for 133 = 399), 121 (6 oz. for 14 = 28), 122 (6 oz. for 24 = 48), 124 (1 oz. for 6 = 72). The Sicilian *fundi* in *P. Ital.* 1 have rentals of 52, 147 and 200 solidi, those in *P. Ital.* 10-1 of 18, 15⅔ (part only), and 7 (part only). The rentals of the two Paduan estates in *P. Ital.* 3 total between 40 and 45 solidi each. Other fractions of *fundi* appear in *P. Ital.* 8, 14-15, 20, 22, 23, *P. Dip.* III, 114-5, 120.

38. MASSAE OF ROMAN CHURCH: *Lib. Pont.* xxxiv. The three Sicilian *massae* in *P. Ital.* 1 have rents of 756, 500 and 445 solidi, and the *massa Pyramitana* at Syracuse in *P. Ital.* 10-1 of more than 480 solidi. In *P. Ital.* 13, the moiety of the two *massae* in Urbinum and Luca yields only 100 solidi. The *massa* at Signia is recorded in *P. Ital.* 17. A *massa* comprising ten *fundi* is recorded in Greg. *Ep.* xiv. 14.

39. For Bertram's will see above n. 33. For rounding off estates see also Sid. *Ap. Ep.* III. 5.

40. MELANIA'S LARGE ESTATES: *V. Mel.* (L) 18, 21. AFRICAN SALTUS: Agennius Urbicus, *de controversiis agrorum* (*Corp. Agr. Rom.*, p. 45). Augustine (*c. Lit. Pet.* II. 184, cf. *Ep.* 66) mentions a *fundus emphyteuticus* of the *res privata* which had eighty inhabitants.

41. PAULINUS'S ESTATES: Paul. *Euch.* 413 ff., pars ubi magna mihi etiamnunc salva manebat materni census, complures sparsa per urbes Argivas atque Epiri veterisque novaeque, per quas non minima numerosis farta colonis praedia diffusa nec multum dissociata quamvis profusis dominis nimiumque remissis praebere expensas potuissent exuberantes. SENATORIAL ESTATES AT MAGNESIA: *JRS* XLIII (1953), 52-3. The Apion estates were divided into groups, each

managed by a *προνοητής*, described in such terms as *κτῆματος Ματρέου καὶ τῶν ἐν ταῖς κώμῃς Ἐπισήμων καὶ Ἀδαίων καὶ τῶν ἐξωτικῶν αὐτῶν τόπων τῶν διαφερόντων τῇ ὕμῶν ὑπερφνείᾳ* (P. Oxy. 136); *οἰκῶν Τερύθως καὶ Θεαγένους καὶ Εὐτυχιάδος καὶ ἄλλων ἐξωτικῶν τόπων* (P. Oxy. 2019); *Παγγουλεείον σὺν τοῖς ἄλλοις μέρεσι καὶ Μαργαρίτου καὶ Ἀμβιοῦτος καὶ Μαιουμᾶ καὶ ἄλλων ἐξωτικῶν τόπων* (P. Oxy. 999); *κτημάτων Πεζούλιος* (and five other names) *μετὰ καὶ τῶν ἐξωτικῶν τόπων*. Cf. also P. Oxy. 19109, accounts of a *προνοητής*, in which the receipts are itemized as *λήμματα Θεήσιος* (evidently a *κτῆμα*), four much smaller amounts *ἐν κώμῃ* (four names), and *ὕπὲρ τοῦ κτῆματος Πλακίτου*; P. Oxy. 1912, a similar account with four entries labelled *ἐποικίου* (four names), and one *ἐν κώμῃ Πέττῃ*. The Apions are thus stated to be owners of *κτῆματα* and *ἐποικία*, but never of *κῶμαι*; they only own land *ἐν κώμαις*.

42. SYRIAN VILLAGES: Lib. Or. XLVII. 4, 11, Theod. *Hist. Rel.* xiv, xvii. EGYPTIAN VILLAGES: CTb XI. xxiv. 6, 415 (cited in n. 19); cf. n. 41 for the Apion holdings in villages. LEO'S LAW: CJ XI. lvi. 1, 468, in illis, quae metropolim communi vocabulo nuncupantur, hoc adiciendum necessario nostra putavit humanitas, ut nulli extraneo illic quoquo modo possidendi licentia tribuatur: sed si quis ex isdem vicinis loca sui iuris alienare voluerit, non licere ei nisi ad habitatorem adscriptum eidem metropolim per qualemcumque contractum terrarum suarum dominium possessionemque transferre: sciente persona extranea, quod, si contra vetitum se huic negotio immiscere vel illic possidere temptaverit, quicumque contractus initus fuerit, carebit effectu et contractu soluto, si quid praestitum est, hoc tantum reddetur. The laws against patronage usually speak of *vici*; the communal responsibility of the village is stressed in CJ XI. liv. 2 (cited in n. 21). A concrete case is Aphrodito, which ultimately put itself under the protection of Theodora (P. Cairo, 67019, 67283).

43. For the administrative hierarchy of the *res privata* see pp. 412-4.

44. For land tenures in the *res privata* see pp. 416-9.

45. THE PATRIMONY OF GAUL: Greg. *Ep.* III. 33, VI. 6 (Dynamius), v. 31 (Aregius), VI. 51 (the bishop of Arles), VI. 5-6, 10, 49-53, 56-7, IX. 221, XI. 43-4 (Candidus, *presbyter*). AFRICA: Greg. *Ep.* I. 73-4 (Hilarius, *notarius*). DALMATIA: Greg. *Ep.* II. 23, III. 22, 32 (Antoninus, *subdiaconus*); cf. Gelasius, fr. 2, Vigilius, *Ep. ad Rusticum et Sebastianum* (PL LXIX. 46), iterum Thessalonica ad Dalmatias patrimonii regendi causa remissus es, ex qua provincia frequenti te auctoritate monuimus ut non ante discederes nisi omnes secundum pollicitationem tuam tam de Dalmatiarum patrimonio quam de Praevalitano colligeres pensiones. SICILY: Greg. *Ep.* I. 1-3, 9, 18, 38, etc. (Peter, *subdiaconus*). On his recall the Sicilian patrimony was divided into a *Syracusana pars* and a *Panormitana pars* (II. 38). His successors in the *Syracusana pars* were Cyprian, *diaconus* (IV. 6, 15, v. 7, VII. 38; he appears to have had a general responsibility for all Sicily, his Panormitan colleague being subordinate to him); Romanus, *defensor* (IX. 29-31; his sphere is defined as the territories of Syracuse, Catana, Agrigentum and Messina); and Adrian, *notarius* (XIII. 22-3, 25, 37). Between Cyprian and Romanus John, bishop of Syracuse, administered the *Syracusana pars* (IX. 22). In the *Panormitana pars* Peter was followed by Benenatus, *notarius* (II. 38, III. 27), and Fantinus, *defensor* (IX. 23, 39, 40, 172, XIV. 4, 5). APPIA: Greg. *Ep.* XIV. 14 (Felix, *subdiaconus*). CAMPANIA: Greg. *Ep.* v. 28 (dealing with action taken in Campania 'a dilectissimo filio nostro Petro diacono, tunc autem subdiacono et rectore patrimonii'). This is the only explicit reference to



the rector of the Campanian patrimony, but many letters on Campanian business are addressed to Peter, *subdiaconus Campaniae* (III. 1, 5, 19, 23, 34-5, 39), and also to Anthemius, *subdiaconus (Campaniae)* in IX. 136, 142, 144, 163, X. 7, XI. 53, XIII. 29, 31; Peter, when rector of Sicily, is similarly addressed as *subdiaconus Siciliae* in I. 42, 67, 71. We may therefore postulate a patrimony of Sardinia from III. 36 (Sabino, defensori Sardiniae) and IX. 203, XIV. 2 (Vitali, defensori Sardiniae), and of Corsica from XI. 58 (Bonifatio, defensori Corsicae). Further evidence is afforded by two circular letters, IX. 88, Romano defensori, Anthemio subdiacono, Sabino subdiacono, Sergio defensori a paribus, and IX. 110, Romano defensori, Fantino defensori, Sabino subdiacono, Hadriano notario, Eugenio notario, Felici subdiacono, Sergio defensori, Bonifatio defensori a paribus. Of these Romanus, Fantinus, Anthemius, Felix and Boniface are known to have been rectors of the *Syracusana pars*, the *Panormitana pars*, Campania, Appia and Corsica respectively, and Sabinus is called *rector patrimonii* in XIV. 9 (his district was Bruttium, as appears from IX. 122, 124-7, X. 2). It is therefore reasonable to infer that the others were also *rectores patrimoniorum*. Eugenius, *notarius*, deals with church lands in Tuscia in IX. 96, Sergius, *defensor*, deals with affairs in Calabria (VIII. 9, IX. 169, 200; his district was perhaps the 'Apuliae provinciae patrimonium' of Pelagius I, *Ep.* 64); Hadrian was later rector of the *Panormitana pars*, but his post at the time of *Ep.* IX. 110 is not known. It is possible that Pantaleon, *notarius*, was rector of a Ligurian patrimony (XI. 6, 14) and Castorius of a Venetian (V. 25, IX. 168). *Ep.* III. 21 is addressed to the three sons of Urbicus, 'quondam defensorem de patrimonio Savinensi atque Cartiolano, quod eius fuerat curae commissum'. Under Pelagius I (*Ep.* 83) the bishop of Cingulum had the management 'massarum sive fundorum per Picenum ultra XI positorum'.

46. ACTORES OR ACTIONARII: Greg. *Ep.* I. 9, 42, 53, 71, II. 38, VI. 42, IX. 137, 192; cf. IX. 41-2, 145, for *actores* of the church of Syracuse. CONDUCTORES: I. 42, iubemus etiam, ut hoc experientia tua summopere custodiat, ut per commodum conductores in massis ecclesiae numquam fiant, ne dum commodum quaeritur conductores frequenter mutantur. ex qua mutatione quid aliud agitur, nisi ut ecclesiastica praedia numquam colantur? II. 38, greges vero equarum quos valde inutiliter habemus omnes volo distrahi, et tantummodo quadringentos iuniores servari ad foetum, ex quibus quadringentis singuli conductoribus singulae condomae dari debent; V. 31, conductoribus massarum sive fundorum per Galliam constitutis; XIII. 37, XIV. 5. GREGORY AND EMPHYTEUTIC LEASES: I. 70, multi vero hic veniunt, qui terras aliquas vel insulas in iure ecclesiae nostrae in emphyteusin sibi postulant dari. et aliquibus quidem negamus, aliquibus vero iam concessimus. THE CONSTANTINOPOLITAN CHURCH AND EMPHYTEUTIC LEASES: *CJ* I. II. 24 §12, 530, καὶ λαμβάνουσι λόγῳ συνθηαῶν ἐπὶ μὲν τοῖς ἐμφυντευτικοῖς συμβολαίοις πεντηκοστὰς, ἐπὶ δὲ τοῖς μισθωτικοῖς καὶ λοιποῖς συναλλάγμασιν ἑκατοστήν. Emphyteusis by churches is regulated by *CJ* I. II. 17 §§1, 3 (Anastasius), 24 §5, 530, Just. *Nov.* VII §§3, 7, 535, CXX §§1, 5, 6, 8, 544. Examples are *P. Cairo*, 67298-9, PRG III. 43, *P. Lond.* 483, PSI 176, *P. Michael.* 41, *P. Dip.* 95, 132.

47. ADMINISTRATION OF THE APION ESTATES: E. R. Hardy, *The large estates of Byzantine Egypt*, 80-93, and for *φροντισταί*, 133. The title ἀντιγεοῦχος (*P. Oxy.* 153, 156, 943, 1844-54, 1859-61, 1867, etc.) is paralleled by the Latin *vice-dominus* (see ch. VIII, n. 44). LAURICIUS: *P. Ital.* 1. Private owners are envisaged as granting emphyteutic leases in *CJ* IV. LXVI. 1 (Zeno), 2, 529, 3, 530, 4 (531-4), but emphyteutic tenants of private owners do not appear in other laws, whereas

*procuratores*, *actores* and *conductores* are frequently mentioned. In Egypt I can find one emphyteutic lease by a private owner (*P. Giss.* 106), as against many by churches (see n. 46).

48. For the titles of the agents of the Apion family see especially the correspondence in *P. Oxy.* 1844 ff. SERENUS THE DEACON: *P. Oxy.* 136, cf. 2239 for a similar contract. SERVILE ACTORES AND PROCURATORES: *CTh* IV. xii. 5, 362, ut libera mulier, sive procuratori sive actori privato sive alii cuilibet servili condicione polluto fuerit sociata, non aliter libertate amissa nexu condicionis deterrimae adstringatur, nisi trinis fuerit denuntiationibus ex iure pulsata; VII. xviii. 2, 379, actor eius fundi, in quo alienigena vel idoneus militiae vel ante iam traditus latuerit, ultima flammamur animadversione consumatur. hoc interim nos constituisse sufficiat, nam si parum profecerit in servos interminatio constituta, in dominos peccatum deinceps emendatura decernet; XVI. v. 65 §3, 428, de procuratore, qui hoc nesciente domino fecerit, decem librarum auri multam vel exilium, si sit ingenuus, subituro, metallum vero post verbera, si servilis condicionis sit, *Maj. Nov.* vii §4, 458, si quis actor procuratorve domino nesciente suscepit curialem et non intra annum propriae restituerit civitati, si ingenuus probabitur, collegiis adplicetur, si servus est, fustuario supplicio interficiendum se esse cognoscat. CLERGY AS PROCURATORES: *Pall. Dial.* pp. 86–7 (Antoninus), *C. Carth.* I, can. 6, *C. Hippon.* can. 15, *C. Carth.* III, can. 5, *A.C.Oec.* II. i. 353–5. CURIALES AS PROCURATORES: *CTh* XII. i. 92, 382, si quis procuracionem facultatum suarum curiali crediderit esse mandandam, totius dignitatis exceptione depulsa patrimonium eius quod crediderat curiali proscriptio fiscalis invadat. ille vero, qui immemor libertatis et generis infamissimam suscipiens vilitatem existimationem suam servili obsecundatione damnaverit, deportationis incommodo subiugetur; *Th.* II, *Nov.* ix §1, 439. *Fabricenses* and soldiers were also forbidden to be *procuratores*; *CTh* X. xxii. 5, 404, *CJ* IV. lxxv. 31, 458. In *BGU* 303, we find a *μεγαλοπρεπέστατος τριβούνος* acting as *ἀντιγεωύχος*, and Lauricius employed the tribune Pyrrhus in a similar capacity (*P. Ital.* 1). Theodore of Syceon, as bishop of Anastasiopolis, employed a *protector* (*V. Theod. Syc.* 76).

49. SERVILE CONDUCTORES: Gelasius, fr. 28, Ampliatus conductor, quem non solum servum constat esse ecclesiae sed ita eius rationibus a multis temporibus implicatum ut, etiamsi esset ingenuus, donec ratiocinia cuncta deduceret modis omnibus obnoxius haberetur; Pelagius I, *Ep.* 84, de rusticis qui possunt conductores vel coloni esse si capillum relaxaris, nulla erit ratio quae me circa te placare praevaleat; *CTh* XVI. v. 21, 392, conductorem eius fundi, si ingenuus est, decem libras fisco nostro inferre praecipimus, si servili faece descendens paupertate sui poenam damni ac vilitate contemnit, caesus fustibus deportatione damnabitur. CURIALES AS CONDUCTORES: *Th.* II, *Nov.* ix, 439, non dubium est in legem committere eum, qui verba legis amplexus contra legis nititur voluntatem, nec poenas insertas legibus evitabit, qui se contra iuris sententias scaeva praerogativa verborum fraudulenter excusat. curiales ne ad procuracionem rerum alienarum accederent, cautum est providentissima sanctione, cuius in fraudem conducendi eos sibimet usurpare licentiam sublimitatis tuae suggestione comperimus. quos licet pristinae legis laqueis inretiri cernamus—conductionem namque speciem esse procuracionis certissimum est—adtamen ne sub fraudis suae velamine legis lateant contemptores neve eis fucata suae calliditatis excusatio relinquatur, hac perpetuo lege valitura sancimus conducendi quoque fundos alienos licentiam curialibus amputari, locatas res fisci viribus vindicari. SOLDIERS AND OFFICIALS AS CONDUCTORES: *Th.* II, *Nov.* vii.

1, 439, iuratur in militiae sacramenta, ut necessitates publicae procurentur, sed suggestione culminis tui comperimus quosdam ideo tantum sortiri militiam, ut alienorum praediorum idonei possint fieri conductores. quod nisi numinis nostri fuerit auctoritate correctum, in contumeliam aulae divinae proficiet, si iisdem privilegiis muniantur qui in privatis negotiis occupantur, quibus iure militiae servientes obsequiorum praemiis gloriantur. quare praesenti lege sancimus omnes omnino domesticos, agentes in rebus et quaecumque alia praetenditur militiae dignitas, sub moderatoribus provinciarum functionibus publicis respondere, nulla fori praescriptione valitura, si hac qui exiguntur debita publica uti temptaverint; *CJ* IV. LXV. 31, 458, 35, 530. CLERGY AS CONDUCTORES: *C. Hippon.* can. 15, *C. Carth.* III, can. 5, *A.C.Oec.* II. i. 353-5, *C. Arel.* II, can. 14, si quis clericus pecuniam dederit ad usuram, aut conductor alienae rei voluerit esse, aut turpis lucri gratia aliquod negotiationis exercuerit, depositus a communione alienus fiat.

50. The three laws *CTb* VII. xiii. 12-4, 397, taken in conjunction suggest that many senators were lessees of imperial land. Cf. *CTb* V. XV. 15, 364, enfyteutica praedia, quae senatoriae fortunae viris, praeterea variis ita sunt per principes veteres elocata, ut certum vectigal annuum ex his aerario penderetur. For the virtual equivalence of *procuratores* and *conductores* see Th. II, Nov. IX §1, 439 (cited in n. 49). Responsibility is laid on the *procurator* or *conductor* in *CTb* XVI. VI. 4, 405, *Sirm.* 16, 408, *CTb* XVI. V. 52, 412, *CJ* I. V. 8, 455; more usually the *procurator* or *actor* is alone mentioned. APION ESTATES: E. R. Hardy, *op. cit.* 113-32.

51. VINTAGE: Joh. Chrys. *Hom. in Matth.* lxi. 3 (peasants), Josh. Styl. 52 (townsmen). HARVEST: Rufinus, *Hist. Mon.* xviii (his Latin version gives 80 modii, the Greek original *σίτον ἀγτάβας δεκάδνο ὡς τεσσαράκοντα τοὺς παρ' ἡμῖν μοδίους καλουμένους*, which is more plausible); cf. Joh. Moschus, 183, and Greg. Tur. *Glor. Conf.* 1, for a landlord collecting seventy men for the harvest.

52. FREE LABOURERS: Joh. Moschus, 154. Permanent hired labourers seem also to be the subject of CPR 233 (A.D. 314), where a lady obtains an order from the governor of the Thebaid, *ὁ πραιπόσιτος τοῦ πάγον τῆς συνήθους γεωργίας ἔχεσθαι τοὺς σοὺς μισθωτάς] καταναγκάσει . . . ὑπὲρ τοῦ μὴ εἰς χειρὶαν τραπήναι τὸ χωρίον ἧς ὁ κίνδυνος εἰς τοὺς μισθωτάς, εἰ παρίδοιεν τὴν τούτου καλλιέργειαν*. SLAVES: *JRS* XLIII (1953), 56-7; for a slave-run estate on Samos see Joh. Moschus, 108.

53. *V. Mel.* (1), 18; in ch. 10-1 it is implied that not only their suburban villas near Rome, but their estates generally were manned by slaves. SLAVES ON THE PAPAL ESTATES AND THEIR NEIGHBOURS: Gelasius, *Ep.* 20, 21, fr. 23, 28, Pelagius I, *Ep.* 64, 84. SPAIN: Orosius, VII. xl. 5-6, duo fratres iuvenes nobiles et locupletes Didymus et Verinianus . . . servulos tantum suos ex propriis praediis colligentes ac vernaculis alentes sumptibus nec dissimulato proposito absque cuiusquam inquietudine ad Pyrenaei claustra tendebant; *C. Hisp.* 1, can. 1, *C. Tol.* IV, can. 74 (slaves of the church), *Lex Vis.* V. VII. 16, XII. II (*servi fiscales*). REMIGIUS: *Rev. Belg. Phil. Hist.* xxxv (1957), 372-3; rural slaves of the church are mentioned in several Gallic councils, e.g. *C. Agath.* can. 7, *C. Epauon.* can. 8, *C. Aurel.* IV, can. 9, 32, *C. Elus.* can. 6, *C. Rem.* can. 13.

54. LEVY OF COLONI: *CTb* VII. xiii. 13, 14, 397. LEVY OF SLAVES: Symm. *Ep.* VI. 58, iuniorum dilectus urbanis familiis imperatus, 62, 64, in usum militarem petita servitia.

55. See *Econ. Hist. Rev.* IX (1956-7), 192-5.

56. For slave prices see p. 852. RADAGAESUS'S MEN: Orosius, VII. xxxvii. 16. PRISONERS AS COLONI: Pan. Lat. VIII. 9 §§3-4, arat ergo nunc mihi Chamavus et Frisius et ille vagus, ille praedator exercitio squalidi ruris operatur et frequentat nundinas meas pecore venali et cultor barbarus laxat annonam. quin etiam si ad dilectum vocetur, accurrit et obsequiis teritur et tergo cohercetur et servire se militiae nomine gratulatur, *CTh* v. vi. 3, 409, Scyras barbaram nationem maximis Chunorum, quibus se coniunxerunt, copiis fuis imperio nostro subegimus. ideoque damus omnibus copiam ex praedicto genere hominum agros proprios frequentandi, ita ut omnes sciant susceptos non alio iure quam colonatus apud se futuros nullique licere ex hoc genere colonorum ab eo, cui semel adtributi fuerint, vel fraude aliquem abducere vel fugientem suscipere, poena proposita, quae recipientes alienis censibus adscriptos vel non proprios colonos insequitur. opera autem eorum terrarum domini libera utantur ac nullus sub acta peraequatione vel censui . . . acent nullique liceat velut donatos eos a iure census in servitutem trahere urbanisve obsequiis addicere, licet intra biennium suscipientibus liceat pro rei frumentariae angustiis in quibuslibet provinciis transmarinis tantummodo eos retinere et postea in sedes perpetuas conlocare, a partibus Thraciae vel Illyrici habitatione eorum penitus prohibenda et intra quinquennium dumtaxat intra eiusdem provinciae fines eorum traductione, prout libuerit, concedenda, iuniorum quoque intra praedictos viginti annos praebitione cessante. ita ut per libellos sedem tuam adeuntibus his qui voluerint per transmarinas provincias eorum distributio fiat. Cf. Amm. xxviii. v. 15, xxxi. ix. 4, Lib. Or. LIX. 83-5.

57. *CTh* v. xiii. 4, 368, si quid adiecerit sumptus cura sollertia, quidquid mancipiorum vel pecoris adcreverit, capitationis aut canonis augmenta non patiat. ITALIAN FAMINE: Amb. *Off.* III. 46-8.

58. SALE OF RURAL SLAVES: *CTh* XI. iii. 2, 327, mancipia adscripta censibus intra provinciae terminos distrahantur et qui emptione dominium nanci fuerint, inspiciendum sibi esse cognoscant; *CJ* XI. xlviii. 7, 371, quemadmodum originarios absque terra, ita rusticos censitosque servos vendi omnifariam non licet; *Ed. Theod.* 142, liceat unicuique domino ex praediis, quae corporaliter et legitimo iure possidet, rustica utriusque sexus mancipia, etiamsi originaria sint, ad iuris sui loca transferre, vel urbanis ministeriis adplicare, ita ut et illis praediis adquirantur, ad quae voluntate domini migrata fuisse constiterit, et inter urbanos famulos merito censeantur: nec de eiusmodi factis atque ordinationibus, velut sub oppositione originis, quaestio ulla nascatur. alienare etiam supradictae conditionis homines liceat dominis, absque terrae aliqua portione, sub scripturae adtestatione, vel cedere, vendere cui libuerit, vel donare. SERVI QUASI COLONI: *Dig.* xv. iii. 16, xxxiii. vii. 12 §3, 20 §1, Pelagius I, *Ep.* 84, nec enim eiusdem aestimationis est artifex et ministerialis puer contra rusticum vel colonum . . . vide ergo ne tales des homines qui vel continere casas vel colere possint (see also n. 49).

59. AMPLIATUS: Gelasius, fr. 28. CELERINUS: Pelagius I, *Ep.* 64.

60. RENEWAL OF FIVE YEAR LEASES: *Dig.* XIX. ii. 13 §11, 14. EGYPTIAN LEASES: A. C. Johnson, *Roman Egypt (Economic Survey of Ancient Rome, II)*, 81 ff. HEREDITARY LEASES: *ILS* 6870, col. iii, lines 28-9 (Africa), Keil and Premerstein, *Denkschr. Ak. Wien* LVII (1914-15), 55, line 46 (Lydia).

61. I have set out my theory of the colonate in *Past and Present*, 1958, 1-13, where I give my reasons for believing it to have originated as a by-product of Diocletian's census.

62. That peasant freeholders were originally tied is proved by *P. Cairo Isid.* 126, of 308-9, citing an imperial order that strangers found in the villages be returned to their own villages under a penalty of five *folles*, *ibid.* 128, of 314, a receipt by village officials for fugitives returned, and *P. Thead.* 16-7, of 332, a petition by villagers to the prefect of Egypt for the repatriation of their fellow villagers who had absconded. Later laws enforcing this rule are very rare; *CTb* x. xii. 2, 368, which rules that vagrants, if slaves or *coloni*, are to be restored to their owners or landlords, *quisquis autem plebeium se adserit esse vel liberum . . . ad ea loca ex quibus eum esse claruerit remittatur*, and *CTb* xi. xxiv. 6 §3, 415, ii *sane qui vicis quibus adscripti sunt derelictis, et qui homologi more gentilicio nuncupantur, ad alios seu vicos seu dominos transierunt, ad sedem desolati ruris constrictis detentatoribus redire cogantur.* CHAINING OF COLONI: *CTb* v. xvii. 1, 332, *apud quemcumque colonus iuris alieni fuerit inventus, is non solum eundem origini suae restituat, verum super eodem capitacionem temporis agnoscat. ipsos etiam colonos, qui fugam meditantur, in servilem condicionem ferro ligari conveniet, ut officia, quae liberis congruunt, merito servilis condemnationis compellantur implere.* PROPERTY OF COLONI: *CTb* v. xix. 1, 365, *non dubium est colonis arva, quae subigunt, usque adeo alienandi ius non esse, ut, et si qua propria habeant, inconsultis atque ignorantibus patronis in alteros transferre non liceat.* TAXES OF COLONI: *CTb* xi. i. 14, 371 (S), *penes quos fundorum dominia sunt, pro his colonis originalibus, quos in locis isdem censos esse constabit, vel per se vel per actores proprios recepta compulsionis sollicitudine implenda munia functionis agnoscant. sane quibus terrarum erit quantulacumque possessio, qui in suis conscripti locis proprio nomine libris censualibus detinentur, ab huius praecepti communione discernimus; eos enim convenit propriae commissos mediocritati annonas functiones sub solito exactore cognoscere.* COLONI DEBARRED FROM Suing Masters: *CJ* xi. i. 2, 396, *coloni censibus dumtaxat adscripti, sicuti ab his liberi sunt, quibus eos tributa subiectos non faciunt, ita his, quibus annuis functionibus et debito condicionis obnoxii sunt, paene est ut quadam servitute dediti videantur. quo minus est ferendum, ut eos audeant lite pulsare, a quibus ipsos utpote a dominis una cum possessionibus distrahi posse dubium non est. quam de cetero licentiam submovemus, ne quis audeat domini in iudicio nomen lacessere, et cuius ipsi sunt, eiusdem omnia sua esse cognoscant. cum enim saepissime decretum sit, ne quid de peculio suo cuiquam colonorum ignorante domino praedii aut vendere aut alio modo alienare liceret, quemadmodum contra eius personam aequo poterit consistere iure, quem nec propria quidem leges sui iuris habere voluerunt et adquirendi tantum, non etiam transferendi potestate permissa, domino et adquirere et habere voluerunt? sed ut in causis civilibus huiusmodi hominum generi adversus dominos vel patronos et aditum intercludimus et vocem negamus exceptis superexactionibus, in quibus retro principes facultatem eis super hoc interpellandi praebuerunt, ita in criminum accusatione quae publica est non adimitur eis propter suam suorumque iniuriam experiendi licentia.*

63. *CJ* xi. liii. i, 371, *colonos inquilinosque per Illyricum vicinasque regiones abeundi rure, in quo eos originis agnationisque merito certum est immorari, licentiam habere non posse censemus. inserviant terris non tributario nexu, sed nomine et titulo colonorum, ita ut, si abscesserint ad aliumve transierint, revocati vinculis poenisque subdantur; lii. 1, 393, per universam dioecesim Thraciarum sublato in perpetuum humanae capitacionis censu iugatio tantum terrena solvatur. et ne forte colonis tributariae sortis nexibus absolutis vagandi et quo libuerit recedendi facultas permissa videatur, ipsi quidem originario*

iure teneantur, et licet condicione videantur ingenui, servi tamen terrae ipsius cui nati sunt aestimentur nec recedendi quo velint aut permutandi loca habeant facultatem, sed possessor eorum iure utatur et patroni sollicitudine et domini potestate.

64. COLONI OF PALESTINE: *CJ* XI. li. 1, 386, cum per alias provincias, quae subiacent nostrae serenitatis imperio, lex a maioribus constituta colonos quodam aeternitatis iure detineat, ita ut illis non liceat ex his locis quorum fructu relevantur abscedere nec ea deserere quae semel colenda susceperunt, neque id Palaestinae provinciae possessoribus suffragetur, sancimus, ut etiam per Palaestinas nullus omnino colonorum suo iure velut vagus ac liber exsultet, sed exemplo aliarum provinciarum ita domino fundi teneatur, ut sine poena suscipientis non possit abscedere: addito eo, ut possessionis domino revocandi eius plena tribuatur auctoritas. GALLIC COLONI: *CTb* XI. i. 26, 399, omni amoto privilegio beneficiorum possessores sublimitas tua praecipiet universos muneribus adstringi, earum scilicet provinciarum, ex quibus orta querimonia est aut in quibus haec retinendae plebis ratio adscriptioque servatur. nullum gratia relevet, nullum iniquae partitionis vexet incommodum, sed pari omnes sorte teneantur; ita tamen, ut, si ad alterius personam transferatur praedium, cui certus plebis numerus fuerit adscriptus, venditi onera novellus possessor compellatur agnoscere, cum plebem constet non tam hominibus quam praediis adscribendam neque auferendam ab eo, cui semel posthac deputata fuerit. For different systems of registration see *JRS* XLIII (1953), 50 ff.

65. *CTb* XI. i. 14, 371 (S), cited in n. 62.

66. For the census registers see *JRS* XLIII (1953), 50 ff. For the absence of regular censuses see pp. 454-5. TAX ON ABSCONDING COLONI: *CTb* v. xvii. 1, 332 (cited in n. 62), *CJ* XI. xlviii. 8, 371, omnes profugi in alieno latebras collocantes cum emolumentis tributariis, salva tamen moderatione, revocentur, scilicet ut si, apud quos homines reperiuntur, alienos esse noverant fugitivos et profugis in lucrum suum usi sunt, hoc est sive excoluerunt agros fructibus dominis profuturos sive aliqua ab isdem sibi iniuncta novaverunt nec mercedem laboris debitam consecuti sunt, ab illis tributa quae publicis perierunt functionibus exigantur. ceterum si occultato eo profugi, quod alieni esse videntur, quasi sui arbitrii ac liberi apud aliquem se collocaverunt aut excolentes terras partem fructuum pro solo debitam dominis praestiterunt cetera proprio peculio reservantes, vel quibuscumque operis impensis mercedem placitam consecuti sunt, ab ipsis profugis quaecumque debentur exigantur: nam manifestum est privatum iam esse contractum; *CTb* XIII. x. 7, 371, hoc autem ut rite celebretur, auctoritas tua iudicibus tantum, id est rectoribus provinciarum, permittat potestatem, ita ut iidem, cum querimonia defensorum vel plebeiorum ad eos fuerit nuntiata, exhibitis partibus secundum fidem rerum coram cognoscant ac stabilitatem census finita altercatione componant, eos tantum, qui mortui videbuntur, ex ad crescentibus repleturi. ceterum illos, qui relictis censibus aufugerunt, ad excusationem pertinere non est aequum, quando quidem eum, qui videbitur aufugisse, constat esse revocandum. RULES ON CONSCRIPTION: *CTb* VII. xiii. 6, 370, quod hactenus decernimus custodiri, ut oblatas numerus ex ad crescentibus primitus reparetur ac, si compensatio non potuerit convenire neque ex minoribus modis, qui oblatas fuerit, quiverit reparari, ita demum de publicis fascibus hi, qui ex superfluo veniunt, eximantur; 7, 375, et quia publica utilitas quoque cogitanda est, ne sub hac indulgentia insertae capitationis numerus minuatur, ex incensitis adque ad crescentibus in eorum locum, qui defensi militia fuerint, alios praecipimus subrogari.

67. That outsiders who settled on an estate were not tied is clear from Val. III, *Nov.* xxxi §5, 451.

68. Transfer of *coloni* from one *fundus* to another is allowed in *CJ* XI. xlviii. 13 §1, 400, *illud etiam servandum est, ut, si quando utriusque fundi idem dominus de possessione referta cultoribus ad eam colonos quae laborabat tenuitate transtulerit, idemque fundi ad diversorum iura dominorum qualibet sorte transierint, maneat quidem facta translatio, sed ita, ut praedii eius dominus, a quo coloni probantur fuisse transducti, translatorum agnationem restituat; Val. III, Nov. xxxv §18, 452, si forte duorum praediorum unus dominus atque possessor ex referto originariis et colonis agro ad alterum rus aliquos homines propria voluntate et ordinatione transtulerit, ita id maneat, ut, sive venditione seu donatione seu quolibet alio modo ad diversos dominos res utraque pervenerit, translatos originis iure et titulo revocari non liceat. TRIBUTARII: *CTh* X. xii. 2 §2, 368, si quis etiam vel tributarius repperitur vel inquilinus ostenditur, ad eum protinus redeat, cuius se esse profitetur; *CJ* XI. xlviii. 12, 396 ('vel tributarios vel inquilinos' is probably a Justinianic interpolation). In *CTh* XI. vii. 2, 319, unusquisque decurio pro ea portione conveniatur, in qua vel ipse vel colonus vel tributarius eius convenitur et colligit; neque omnino pro alio decurione vel territorio conveniatur, *tributarius* appears to be distinguished from *colonus*, and may mean a tax-paying (i.e. rural) slave. INQUILINI: *CJ* XI. xlviii. 6, 365 (S), omnes omnino fugitivos [adscripticios] colonos vel inquilinos; *CTh* X. xii. 2, 368 (cited above), *CJ* XI. liii. 1, 371, colonos inquilinosque per Illyricum; *CTh* XII. xix. 1, 400, inquilinas vel colonas vel ancillas; 2, 400, colonatus . . . aut inquilinatus quaestionem; *CJ* XI. xlviii. 13, 400, inter inquilinos colonosve, quorum quantum ad originem pertinet vindicandam indiscreta eademque paene videtur esse condicio, licet sit discrimen in nomine; *CTh* V. xviii. 1, 419, colonus originalis vel inquilinus, *CJ* III. xxvi. 11, 442, domorum nostrarum colonus aut inquilinus aut servus; Val. III, *Nov.* xxvii, 449, de originariis et colonis, inquilinis ac servis; xxxv, 452, nullus originarius inquilinus servus vel colonus; Sev. *Nov.* ii, 465, inquilinus vel colonus. In *CJ* III. xxxviii. 11 (= *CTh* II. xxv. 1, 325) 'vel colonorum adscripticiae condicionis seu inquilinorum' is a Justinianic interpolation, and so probably is 'vel tributarios vel inquilinos' in *CJ* XI. xlviii. 12, 396. None of these passages is inconsistent with the meaning of *inquilinus* in the classical lawyers, tenant of a house. The *casarii* (cotters) of *CTh* IX. xlii. 7, 369, quotve mancipia in praediis . . . quot sint casarii vel coloni, may be identical with them. ORIGINALES: *CJ* XI. lxviii. 1, 325, xlviii. 7, 371 (S), *CTh* X. xx. 10, 380, *CJ* XI. xlviii. 11, 396 (S), *CTh* V. xviii. 1, 419, Val. III, *Nov.* xxvii, 449, xxxi, 451, xxxv, 452, Maj. *Nov.* vii, 458, Theod. *Ed.* 21, 48, 56, 63-8, 80. CENSIBUS ADSCRIPTI, ETC.: *CJ* XI. i. 2, 396 (S), I. iii. 16, 409, *CTh* V. vi. 3, 409, X. xx. 17, 427, V. iii. 1, 434, Th. II, *Nov.* vii. 4, 441, also applied to rural slaves in *CTh* XI. iii. 2, 327, VII. i. 3, 349, *CJ* XI. xlviii. 7, 371. *Adscripticius* appears first in *CJ* I. xii. 6, 466, ἐνυπόγραφος in *A.C.Oec.* II. i. 353 §17, in 451. For the equivalence of *origo* and *census* see *CTh* XI. i. 14, 371 (S), pro his colonis originalibus quos in locis isdem census esse constabit, *CJ* XI. xlviii. 6, 366, omnes omnino fugitivos [adscripticios] colonos vel inquilinos . . . ad antiquos penates ubi censiti atque educati natique sunt, provinciis praesidentes redire compellant. Sidonius Apollinaris uses all the above terms (except *adscripticius*) in *Ep.* v. 19, nutricis meae filiam filius tuae rapuit: facinus indignum quodque nos vosque inimicasset, nisi protinus scissem te nescisse faciendum. sed conscientiae tuae purgatione praelata petere dignaris culpae calentis impunitatem. sub condicione concedo: si stupratorem pro domino iam patronus originali solvas inquilinatu.*

mulier autem illa iam libera est, quae tum demum videbitur non ludibrio addicta sed assumpta coniugio, si reus noster, pro quo precaris, mox cliens factus e tributario plebeiam potius incipiat habere personam quam colonariam.

69. LONGI TEMPORIS PRAESCRIPTIO: *CTh* v. xviii. 1, 419, Val. III, *Nov.* xxvii, 449; the rule had been applied in Gaul in 400, *CTh* XII. xix. 2, 3.

70. Val. III, *Nov.* xxxi, 451.

71. Salvian, *Gub. Dei*, v. 44, iugo se inquilinae abiectiois addicunt, 45, fiunt praecudicio habitationis indigenae.

72. *CJ* XI. xlviii. 19 (Anastasius), τῶν γεωργῶν οἱ μὲν ἐναπόγραφοί εἰσιν καὶ τὰ τούτων πεκούλια τοῖς δεσπótαις ἀνήκει, οἱ δὲ χρόνῳ τῆς τριακονταετίας μισθωτοὶ γίνονται ἐλεύθεροι μένοντες μετὰ τῶν πραγμάτων αὐτῶν· καὶ οὗτοι δὲ ἀναγκάζονται καὶ τὴν γῆν γεωργεῖν καὶ τὸ τέλος παρέχειν. τοῦτο δὲ καὶ τῷ δεσπότη καὶ τοῖς γεωργοῖς λυσitelés, 22 §3, 531, 23 §1 (531-4).

73. JUSTINIAN'S LAW: *CJ* XI. xlviii. 24 (the old rule is stated in Just. *Nov.* liv), Just. *Nov.* liv pr. §1, 537. ILLYRICUM: Just. *Nov.* clxii §2, 539; six months later the original ruling was reversed by Just. *App.* i, but this law seems in turn to have been abrogated. AFRICA: Just. II, *Nov.* vi, Tib. *Nov.* xiii.

74. 'Εναπόγραφοι γεωργοὶ IN EGYPT: *P. Oxy.* 135, 137, 1896, 1979, 1982-3, 1985, 1988-91, 2479, *P. Lond.* 774-5, 777-8, *PSI* 59, 61-2, 180, *P. Amb.* 149, *P. Iand.* 48 (all of the Apion estates), *P. Oxy.* 1900, 2238 (of the church). The earliest example is in 497 (*P. Oxy.* 1982).

75. *CJ* XI. xlviii. 21, 530, quae etenim differentia inter servos et adscripticios intellegetur, cum uterque in domini sui positus est potestate, et possit servum cum peculio manumittere et adscripticium cum terra suo dominio expellere? For *adscripticii* and military service see p. 614, for ordination and admission to monasteries, pp. 921, 931.

76. For the rights of free *coloni* see *CJ* XI. xlviii. 19 (Anastasius), 23 §§1-3 (531-4), Just. *Nov.* clxii §2, 539, οὐκ ἐξελεύσονται δὲ τοῦ χωρίου, ἀλλὰ τοῦτο γεωργήσουσιν, οὐδὲ ἔσται αὐτοῖς ἄδεια τοῦτο μὲν ἀπολιμπάνειν ἕτερα δὲ περιωστεῖν ἀλλότρια, πλὴν εἰ μὴ κύριοι γένοιντο κτήσεώς τινος ἰδίας, ἱκανῆς οὕσης ἀσχολεῖν αὐτοὺς περὶ αὐτὴν καὶ μὴ συγχωρούσης καὶ ἕτερα γεωργεῖν, εἰς ἐκείνην τε μετασταίειν. The prohibitions against military service, ordination and the monastic life applied specifically to *adscripticii*, and not to *coloni liberi*.

77. For Egyptian leases see above n. 2. The formula ἐφ' ὅσον βούλει χρόνον did not, as some suppose, bind the applicant for the lease to stay on until the landlord released him; it is equally common in leases of houses and rooms, and must clearly assume the lessee's willingness as well as the lessor's.

78. ITALY: Pliny, *Ep.* IX. 37. AFRICA: *FIR* 1<sup>a</sup>. 100, col. i-iii, 101, col. iii, 102. For Egyptian leases see above n. 2. The Digest mentions the *partarius colonus* only once (XIX. ii. 25 §6).

79. FORMS OF RENT: *CJ* XI. xlviii. 5, 365 (S), domini praediorum id quod terra praestat accipiant, pecuniam non requirant, quam rustici optare non audent, nisi consuetudo praedii hoc exigat. For Egyptian leases see n. 2, and for the Apion estates the accounts in *P. Oxy.* 1911-12, 2195-6, which show receipts in corn and gold, and *P. Oxy.* 1896, which shows a rent in wine, but cf. *P. Oxy.* 1915, where the rents on arable and vineyards are all in gold. SEQUESTRATION



OF RENT: *CJ* XI. xlviii. 20 §§1-2, 529, sin autem hoc coloni minime facere voluerint vel potuerint, tunc idem redditus per officium iudicis annui exigantur per solita tempora, in quae etiam dominis dependebantur, et deponantur in aede sacra, id est in cimeliarchio civitatis, sub qua possessio sita est, vel si localis ecclesia ad susceptionem pecuniarum idonea non sit, in metropolitana ecclesia, ut remaneant cum omni cautela et post plenissimam definitionem vel dominis dentur vel colonis restituantur. sin autem redditus non in auro, sed in speciebus inferuntur, vel in totum vel ex parte, interim per officium iudicis fructus vendantur et pretia eorum secundum praedictum modum deponantur.

80. GOLD RENTS: Greg. *Ep.* v. 7, quod ita quoque fieri volo, ut si quis ex eis conversus fuerit, si solidum pensionem habet, tremissis ei relaxari debeat, si tres vel quattuor, unus solidus relaxetur; II. 3, sed et terrulam ecclesiae nostrae vicinam sibi, quam solidum unum et tremisses duos pensitareasserunt, require; si ita est libellario nomine ad summam tremissis unius habere concede; IX. 194, hac tibi auctoritate praecipimus, ut ad tres siliquas aureas factis libellis ei vineolam ipsam locare debeas. PURCHASE OF CORN FROM COLONI: Greg. *Ep.* I. 42, cognovimus rusticos ecclesiae vehementer in frumentorum pretiis gravari, ita ut instituta summa eis in comparatione abundantiae tempore non servetur, et volumus, ut iuxta pretia publica omni tempore, sive minus sive amplius frumenta nascentur, in eis comparationis mensura teneatur: cf. I. 70, quinquaginta vero auri libris nova frumenta ab extraneis compara et in Sicilia in locis, in quibus non pereant, repone, ut mense Februario illic naves quantas possumus dirigamus et eadem ad nos frumenta deferantur.

81. FUNDI OF PATAVIUM: *P. Ital.* 3. For *excepta* see Greg. *Ep.* I. 42, super iusta ergo pondera praeter excepta et vilicilia nihil aliud volumus a colonis ecclesiae exigere; v. 31, visum autem nobis est, ut consuetudinaria excepta eius utilitati debeatis inferre; IX. 78, proinde excepta quae de possessione potuerunt in eius utilitate verti, ea te volumus eius magnitudini annis singulis offerre, id est porcos XX, qualiter ipse praevideris, verbices XX et gallinas LX. quae omnia in exceptis volumus reputari; Agnellus, *Lib. Pont. Eccl. Rav.* 60.

82. ROMAN SENATORS: Olymp. 44, *ὅτι πολλοὶ οἶκοι Ῥωμαίων προσόδους κατ' ἐναντὶν ἐδέχοντο ἀπὸ τῶν κτημάτων αὐτῶν ἀνὰ τεσσαράκοντα χρυσοῦ κεντηνάρια, χωρὶς τοῦ σίτου καὶ τοῦ οἴνου καὶ τῶν ἄλλων ἀπάντων εἰδῶν, ἃ εἰς τρίτον συνέτεινεν, εἰ ἐπιπράσκειτο, τοῦ εἰσφερομένου χρυσίου.* LAURICIUS: *P. Ital.* I, line 30, spec(ies) per [id quod] domui nostrae necessatur, si navis fuerit inventa quae ad Ravennatem portum feliciter oportuno tempore disponat, trans mitte, et ne forte non invenias qui Ravenna veniat, ad urbem mittatur et in horreo nostro consignetur. For hoarding by landlords in famines see Julian, *Misop.* 368C-370C, Greg. *Naz. Or.* XLIII. 34-5.

83. PAYMENT OF TAXES: *CTh* XI. i. 14, 371 (S) (cited in n. 62), *CJ* XI. xlviii. 20 §3, 529, haec de redditibus definientes ad publicas transeamus functiones. et si quidem coloni more solito eas dependant, ipsi maneant in pristina consuetudine, nullo praedicio dominis generando, qui et quiescentibus colonis et non contradicentibus ad publicum tributarias functiones minime inferebant. sin autem moris erat dominos totam summam accipere et ex ea partem quidem in publicas vertere functiones, partem autem in suos redditus habere, tunc, si quidem fideiussor a colonis detur, eundem fideiussorem dominis sine praedicio litis tantam summam inferre, quantam tributa publica faciunt, ut a dominis publicis rationibus persolvatur: nullo ex hoc colonis praedicio generando. For Egyptian leases see above n. 2, and for the Apions, E. R. Hardy, *op. cit.* 50-9

84. LABOUR SERVICES IN AFRICA: *FIR* 1<sup>2</sup>. 100, col. iv, 103, col. iii. Labour services may be referred to in *CJ* xi. xlviii. 8, 371, ut si, apud quos homines reperiuntur, alienos esse noverant fugitivos et profugis in lucrum suum usi sunt, hoc est sive excoluerunt agros fructibus dominis profuturos sive aliqua ab isdem sibi iniuncta novaverunt nec mercedem laboris debitam consecuti sunt, ab illis tributa quae publicis perierunt functionibus exigantur; 22 §3, 531, quod per multos annos neque agrum coluit neque aliquid colonarii operis celebravit. SYRIA: Joh. Chrys. *Hom. in Matth.* lxi. 3.

85. *P. Ital.* 3.

86. This conjecture is based on the fact that the home farm (locus qui adpellatur saltus Erudianus, per Maximum vilicum) is followed by 'col(onica) s(upra) s(cripta) per Iohannem, Vigilium et Bassum'. This *colonica*, which unlike the others has no name of its own but is called by the same name as the home farm, probably was originally part of it.

87. For wage labour on the Apion estates see E. R. Hardy, *op. cit.* 122-32.

88. MONEY SURCHARGE: Greg. *Ep.* i. 42, cognovimus etiam, in aliquibus massis ecclesiae exactionem valde iniustissimam fieri, ita ut libram septuagenum ternum semis quod dici nefas est exigantur et adhuc neque hoc sufficit, sed insuper aliquid ex usu iam multorum annorum exigi dicuntur. quam rem omnimodo detestamur et amputari de patrimonio funditus volumus. sed tua experientia sive in hoc quod per libram amplius, sive in aliis minutis oneribus et quod ultra rationis aequitatem a rusticis accipitur, penset et omnia in summam pensionis redigat, ut, prout vires rusticorum portant pensionem integram et pensantem libram septuagenum binum persolvant; *P. Oxy.* 1915, lines 22-3. RECEIPT MEASURES: Greg. *Ep.* i. 42, valde autem iniustum et iniquum esse perspeximus, ut a rusticis ecclesiae de sextariaticis aliquid accipiat, ut ad maiorem modium dare compellantur, quam in horreis ecclesiae infertur. unde praesenti admonitione praecipimus, ut plus quam decem et octo sextariorum modium numquam a rusticis ecclesiae frumenta debeant accipi: XIII. 37, Salerio siquidem cartulario nostro narrante cognovimus, quia modius ad quem coloni ecclesiae frumenta dare compellebantur viginti et quinque sextariorum inveneris; *P. Oxy.* 136, lines 27-9, προσομολογῶ δὲ λημματῖσαι τῇ ὑμῶν ὑπερφανείᾳ ὑπὲρ παραμυθείας τοῦ παραλημπτικοῦ μέτρον τῶν ἀρταβῶν ἑκατὸν ἀρτάβας δέκα πέντε. CORN PRICES: Greg. *Ep.* i. 42 (cited in n. 80). COMMODA NUPTIARUM: Greg. *Ep.* i. 42, pervenit etiam ad nos, quod de nuptiis rusticorum immoderata commoda percipiuntur. de quibus praecipimus, ut omne commodum nuptiarum unius solidi summam nullatenus excedat. si qui sunt pauperes etiam minus dare debent, si qui autem divites praefati solidi summam nullatenus transgrediantur. quod nuptiale commodum nullatenus volumus in nostra ratione redigi, sed utilitati conductorum proficere; cf. ix. 128, Petrus, quem defensorem fecimus, quia de massa iuris ecclesiae nostrae quae Iutelas dicitur oriundus sit, experientiae tuae bene est cognitum. et ideo quia ita circa eum benigni debemus existere, ut tamen ecclesiae utilitas non laedatur, hac tibi praeceptione mandamus, ut eum stricte debeas commonere ne filios suos quolibet ingenio vel excusatione foris alicubi in coniugio sociare praesumat, sed in ea massa, qua lege ex condicione ligati sunt, socientur. SERENUS'S CONTRACT: *P. Oxy.* 136, cf. 2239, where another agent pays 30 solidi λόγῳ εἰσβατικοῦ, receiving a salary of 6 solidi, 36 artabae of wheat and 24 of barley and 80 cnidia of wine καὶ πάσας τὰς σινηθείας ἀς εἴωθεν ὁ αὐτὸς ἐπικείμενος κατὰ τὸ ἔθος παρὰ τῶν γεωργῶν.

89. RENT RESTRICTION: *CJ* XI. 1. 1, 325, quisquis colonus plus a domino exigitur, quam ante consueverat et quam in anterioribus temporibus exactus est, adeat iudicem, cuius primum poterit habere praesentiam, et facinus comprobeat, ut ille, qui vincitur amplius postulare, quam accipere consueverat, hoc facere in posterum prohibeatur, prius reddito quod superexactione perpetrata noscitur extorsisse; 2 §4, 396, sed ut in causis civilibus huiusmodi hominum generi adversus dominos vel patronos et aditum intercludimus et vocem negamus exceptis superexactionibus, in quibus retro principes facultatem eis super hoc interpellandi praebuerunt, ita in criminum accusatione quae publica est non adimitur eis propter suam suorumque iniuriam experiendi licentia; cf. also XI. xlviii. 23 §2 (531-4), caveant autem possessionum domini, in quibus tales coloni constituti sunt, aliquam innovationem vel violentiam eis inferre. si enim hoc approbatum fuerit et per iudicem pronuntiatum, ipse provinciae moderator, in qua aliquid tale fuerit perpetratum, omnimodo provideat et laesionem, si qua subsecuta est, eis resarcire et veterem consuetudinem in redditibus praestandis eis observare. For the Paduan *fundi* see *P. Ital.* 3.

90. See above n. 2. RENTS OF FIVE ARTABAE: *PSI* 34, *P. Lond.* 1012, *Sb* 7167, *SPP* II, p. 33, *CPR* 41, *P. Jena.* 3; OF SEVEN: *P. Flor.* 320; OF SIX: *SPP* XX. 105, *BGU* 1092; OF FOUR: *P. Lips.* 19, 20. MONEY RENTS: *P. Lond.* 1006 (19½ carats), *Sb* 9461 (14½ carats), *P. Lond.* 1036 (13½ carats), *P. Oxy.* 1126 (13 carats), *Sb* 5139, *PER* 35 (9½ carats), *SPP* XX. 142 (3¼ carats).

91. *P. Oxy.* 1915.

92. AURELIUS SACAON: *P. Thead.* 6-9, 22-3, *P. Strassb.* 43. COLONI OF RES PRIVATA: *CTb* V. xvi. 34, 425. For Ampliatius and Celerinus see above n. 59. PETER: *Greg. Ep.* IX. 128 (cited in n. 88).

93. COLONI IN CIVIL SERVICE: *Th.* II, *Nov.* vii. 4 §2, 441, probari autem apparitores magisteriae potestatis neque curiales neque cohortales neque censibus volumus adscriptos, *Val.* III, *Nov.* xxvii pr. §1, 449, diurno excubiarum labore perfunctis inpingi contumeliosam status conperimus quaestionem et, quos verecundiae adestatione, natalium splendore conspicuos praeclara scriniorum officia probaverunt, naevo erubescendae obiectionis urgueri, emeritos aulicis honoribus viros trahi ad laqueos vilissimi colonatus. For the church see pp. 921-2.

94. COLONI OWNING STOCK: *Greg. Ep.* XIII. 37, et ideo volumus cum omni fide, omni puritate considerato timore omnipotentis Domini reducta ad memoriam districtione beati Petri apostoli per unamquamque massam colonos pauperes et indigentes experientiam tuam describere atque ex eis pecuniis quae in fraudibus sunt inventae vaccae, oves porcosque comparare et singulis colonis pauperioribus ea distribuere. For *coloni* owning slaves see above n. 36 (Remigius's will) and *Greg. Dial.* I. 1.

95. ITALIAN FAMINE: *Amb. Off.* III. 45 ff. In Ostrogothic Italy too a famine is remedied by the sale of corn from the local state granaries, *Cass. Var.* x. 27, quapropter industriosae Liguria devotisque Venetis copia subtracta dicitur esse de campis, sed nunc nascatur in horreis, quia nimis impium est plenissimis cellis vacuos esurire cultores. atque ideo illustris magnitudo vestra . . . Liguribus, quos tamen indigere cognoscitis, tertiam portionem ex horreis Ticinensibus atque Dertonensibus per solidum viginti quinque modios distrahi censitote. Venetis autem ex Tarvisiano atque Tridentino horreis ad definitam

superius quantitatem item dari facite tertiam portionem, cf. XII. 27 (Datianus, bishop of Milan, requested to arrange the sale of the corn in Liguria). SYRIAN FAMINE: Lib. Or. XXVII. 6, 14. The same thing happened in an earlier famine in Syria in Julian's reign; Julian, *Misop.* 369D, καὶ οὐχ ἡ πόλις μόνον ἐπὶ τοῦτο συρρεῖ, οἱ πλείστοι δὲ καὶ ἐκ τῶν ἀγρῶν συντρέχουσιν, ὁ μόνον ἐστὶν εὐρεῖν πολλὰ καὶ εὐδωνον, ἄρτους ἀνούμενοι; he subsequently speaks of τὸν ὑπὸ τῶν πλουσίων ἀποκεκλεισμένον ἐν ταῖς ἀποθήκαις σῖτον.

96. MESOPOTAMIAN FAMINES: Pall. *Hist. Laus.* xl, Soz. III. 16, Josh. Styl. 39 ff.

97. TAX COLLECTORS: Theod. *Hist. Rel.* xvii, Amm. xxii. xvi. 23, erubescit apud eos si qui non infitiando tributa plurimas in corpore vibices ostendat. SOLDIERS: Lib. Or. XLV. 5. PRIVATE BUCELLARII: *CJ* IX. xii. 10, 468, *Chr.* I. 471, *P. Klein. Form.* 344, *P. Oxy.* 156, *PSI* 953, *BGU* 963. PRIVATE PRISONS: *CJ* IX. v. 1, 486, iubemus nemini penitus licere per Alexandrinam splendidissimam civitatem vel Aegyptiacam dioecsin aut quibuslibet imperii nostri provinciis vel in agris suis aut ubicumque domi privati carceris exercere custodiam; *PSI* 953. Cf. also E. R. Hardy, *op. cit.* 60-73.

98. CIRCUMCELLIONS: Aug. *Ep.* 108 §18, 185 §15, Opt. III. 4, cf. Aug. *Ep.* 58.

99. BACAUDAE: Aur. Victor, *Caes.* xxxix. 17, Eutrop. IX. 20, Pan. Lat. IX. 4, x. 4 (under Maximian), *Chron. Min.* I. 660 (435-7), *V. Germani*, 28, 40 (442), *Chron. Min.* II. 24-5, 27 (in Spain). The rebellion of 417 is inferred from Rut. Nam. *de red. suo*, I. 213-6. They were still active in Salvia's day (*Gub. Dei*, v. 24-6). For their courts see E. Thompson, *Past and Present* II (1952), 18-9.

100. PERTINAX: Herodian, II. iv. 6. AURELIAN AND CONSTANTINE: *CJ* XI. lix. 1, cum divus Aurelianus parens noster civitatum ordines pro desertis possessionibus iusserit conveniri et pro his fundis, qui invenire dominos non potuerunt quos praeceperamus, earundem possessionum triennii immunitate percepta de sollemnibus satisfacere, servato hoc tenore praecipimus, ut, si constiterit ad suscipiendas easdem possessiones ordines minus idoneos esse, eorundem agrorum onera possessionibus et territoriis dividantur.

101. IMPERIAL LANDS: *CTh* XI. i. 4, 337, si quis ab emphyteuticariis seu patrimoniali possessore privati iuris quippiam comparaverit, cuius substantia alias possessiones sustentare consueverat, et succisis quasi quarundam virum nervis reliqua lababuntur, earum possessionum onera subiturus est, quae penes distractores inutiles permanebunt; *CJ* XI. lix. 3, 364, quicumque deserta praedia meruerint sub certa immunitate, ad possessionem impetratorum non prius sinantur accedere, quam vel fideiussoribus idoneis periculo curialium datis vel fundis patrimonii sui maxime utilibus obligatis idonea cautione firmaverunt susceptam a se possessionem nullo detrimento publico relinquendam; lxii. 3, 365, quicumque possessiones ex emphyteutico iure susceperint, ea ad refundendum uti occasione non possunt, qua adserant desertas esse coepisse, tametsi rescripta per obreptionem meruerint; 5, 377, si qui a prioribus colonis vel emphyteuticariis destitutum patrimoniale fundum a peraequatore vel censitore susceperint, perpetuo eundem atque inconcusso iure possideant, nec quisquam secundus petitor accedat; lix. 5, 378, qui utilia rei publicae loca possident, permixtione facta etiam deserta suscipiant; 6, 383, ut quisque conductor fuerit inventus possessor fundi, qui ex publico vel templorum iure descendit, huic ager iungatur inutilior: *CTh* v. xiv. 30, 386, quicumque defectum fundum patrimoniale exercuerit instruxerit fertilem idoneumque praestiterit, salvo patrimoniali canone perpetuo ac privato iure defendat velut domesticum et

avita successione quaesitum sibi habeat, suis relinquat, neque eum aut promulgatione rescripti aut reverentia sacrae adnotationis quisquam a fructu impensi operis excludat. ceterum eos, qui opimas ac fertiles retinent terras aut etiamnunc sibi aestimant eligendas, pro defecta scilicet portione summam debiti praesentis iubemus implere: eos etiam, qui emphyteuticario nomine nec ad plenum idoneas nec omnimodis vacuas detinent, sic ex illis quoque, quae praesidio indigent, iustam ac debitam quantitatem debere suscipere, ut indulto temporis spatio post biennium decretum canonem solvendum esse meminerint. hi autem, qui proprio voluntatis adsensu nunc quod diximus elegissent neque sibi nunc opimum aliquid et conducibile vindicarent, sed tantum nuda et relicta susceperunt, triennii immunitate permissa debitum canonem inferant; *CJ* xi. lxii. 7, 386, quicumque ad emphyteusin fundorum patrimonialium vel rei publicae iussu nostri numinis venerit, is si redundantia fortunarum idoneus fuerit ad restituenda, quae desertis forte possessionibus requirentur, patrimonium suum publicis implicet nexibus. si vero minor facultatibus probabitur, datis fideiussoribus idoneis ad emphyteusin accedat; *CTb* v. xiv. 33, 393, 34, 394, qui fundos patrimoniales iure privato salvo canone susceperunt, hanc omnes sine ullius exceptione personae propositam intellegant optionem, ut aut ea loca, quibus minor est soli fecunditas, cum his, ex quibus fructus uberes capiunt, suscipere et tenere non abnuant, aut, si eorum refugiant sterilitatem, opimioribus cedant; *Th.* ii, *Nov.* xxvi §4, 444, verum et si quis ex auctoritate nostri numinis vel praeceptis amplissimae praefecturae de fundis patrimonialibus steriles sub certi canonis pollicitatione suscepit, firmiter eum volumus possidere sub eiusdem tantum canonis solutione, quem nostrae maiestatis auctoritas aut praeceptum magnificae tuae sedis per annos singulos solvendum esse praescipit, nullamque eos discriptionem aut adiectionem aut innovationem in posterum sustinere, quoniam nimis absurdum est eos, qui nobis hortantibus aut magnifica praefectura fundos inopes atque ieiunos magno labore impenso aut exhausto patrimonio vix forte meliorare potuerint, utpote deceptos inopinatum onus suscipere illudque velut quadam circumventionem deposci, quod si se daturos praescissent, fundos minime suscipere aut etiam colere paterentur.

102. VETERANS: *CTb* vii. xx. 11, 368, commoneat tua sinceritas hac sanctione veteranos, ut loca absentium squalida et situ dissimulationis horrentia, de solida fructuum indemnitate securi, quantum vires uniuscuiusque patientur, exerceant. namque decernimus, ut his, qui soli relictis terras sulcaverint, sine molestia praeiudicioque dominorum proventuum emolumenta quaerantur nihilque illis, qui messium tempus adsolent aucupari, agratici nomine deferatur. GRANT OR SALE OF DESERTED LANDS: *CTb* v. xi. 8, 365, quicumque possidere loca ex desertis voluerint, triennii immunitate potiantur. qui vero ex desertis nonnihil agrorum sub certa professione perceperunt, si minorem modum professi sunt, quam ratio detentae possessionis postulat, usque ad triennium ex die latae legis in ea tantum possessione permaneant, quam ipsi sponte obtulerunt; exacto autem hoc tempore sciant ad integrae iugationis pensitationem se esse cogendos. itaque qui hoc sibi incommodum iudicarit, e vestigio restituit possessionem, cuius in futurum onera declinat; 9, 365 (cited in n. 104); 11, 386; *CJ* xi. lix. 8 (388-92), qui agros dominis occesante desertos vel longe positos vel in finitimis ad privatam pariter publicumque compendium excolere festinat, voluntati suae nostrum noverit adesse responsum: ita tamen, ut, si vacanti ac destituto solo novus cultor insederit, ac vetus dominus intra biennium eadem ad suum ius voluerit revocare, restitutis primitus quae expensa constiterit facultatem loci proprii consequatur. nam si biennii fuerit tempus emensum,

omni possessionis et domini carebit iure qui siluit; 11, 405 (S), locorum domini intra sex menses edictis vocati revertantur. qui si adfuerint, et propria teneant et ea quae ex praeterito contraxerint debita redhibere cogantur. sin vero impares esse earum rerum tributis propria confitentur absentia nec adesse voluerint, penes eos, qui haec susceperint et certum quem tributorum canonem promittunt, proprietas possessionis intemerata permaneat, ut, postquam ea exsolverint, sciant sibi inquietudinem submovendam nec subreptione cuiusquam competitionis loca quae tenuerunt auferenda. quibus etiam illud indulgimus, ut ex eo tempore, ex quo primum loca de quibus agitur coeperint possidere, tributa poscantur; *CTh* XIII. xi. 13, 412, loca, quae praestationem suam implere non possunt, praecipimus adaequari, ut, quid praestare possint, mera fide et integra veritate scribatur, id vero quod impossibile est e vasariis publicis auferatur. et primo quidem veteribus dominis adscribi praedia ipsa conveniet, quorum si personae eorumve heredes non potuerint repperiri, vicinos vel peregrinos volentes, modo ut sint idonei, dominos statuendos esse censemus. in tantum autem omnium animos beneficiis provocamus, ut id, quod defectae possessioni inspectoris arbitrio adscribitur, biennii immunitate relevetur, ut nec idonea praedia alterius glebae sarcina in posterum praegraventur.

103. LAW SUIT AT CARANIS: *FIR* III<sup>2</sup>. 101, *Sb* 8246. LEASES BY VILLAGES: *P. Gen.* 66–7, 69–70 (ἀπὸ ὀνομάτων ἀπόρων); cf. *Sb* 7675 (ἀπὸ τῶν διαφερόντων τῇ κώμῃ ἀπὸ ὀνόματος Ἐκελ Κασιανοῦ; the tenants pay the taxes but no rent). LEVIES FOR INSOLVENT NAMES: *Pap. Roll*, xiv. 8, *P. Thead.* 41. LEVY AT JERUSALEM: *Cyr. Scyth. V. Sabae*, 54, καὶ νῦν δυσωποῦμεν ὑμᾶς κοιφίσαι τὴν ἐπιτιθεῖσαν περισσοπρακτίαν τῇ τε ἀγρίᾳ Ἀναστάσει καὶ τοῖς τῆς ἀγρίας πόλεως κτήτορσιν ἐκ τῶν ἀπόρων καὶ δυσπράκτων προσώπων. τίς δὲ ἡ αἰτία γέγονεν τῆς τοιαύτης περισσοπρακτίας, ἐρῶ. οἱ κατὰ καιρὸν τρακτεῦνται καὶ βίνδικες τῶν κατὰ Παλαιστίνην δημοσίων ἑκατὸν χρυσίον λίτρας ἐξ ἀπόρων προσώπων καὶ δυσπράκτων ἀνυσθῆναι μὴ δυναμένας εἰσπραττόμενοι ἡναγκάσθησαν ἐπιρροῖναι τὴν τούτων εἴσπραξιν τοῖς κατὰ τὰ Ἱεροσόλυμα συντελεσταῖς κατ' ἀναλογίαν τῆς ἐκάστου δυνάμεως. Διαγραφὴ: *Proc. HA* xxiii. 17–21, τὰ δὲ τῶν διαγραφῶν ὡς συντομώτατα φράσαντι ἀπηλλάχθαι τῇδὲ πῃ ἔχει. ζημίαις πολλαῖς ἄλλως τε καὶ ὑπὸ τοὺς χρόνους τούτους περιβάλλεσθαι τὰς πόλεις ἦν ἀνάγκη. . . . ταύτας οἱ τὰ χωρία ἔχοντες ἀπέτινον, τιμῆμα κατατιθέντες κατὰ λόγον τῆς ἐγκειμένης ἐκάστῳ φορᾶς. οὐκ ἄχρι δὲ τούτων αὐτοῖς τὸ κακὸν ἔστη, ἀλλὰ καὶ τοῦ λοιμοῦ ξύμπασαν περιλαβόντος τὴν τε ἄλλην οἰκουμένην καὶ οὐχ ἥκιστα τὴν τῶν Ῥωμαίων ἀρχήν, τῶν τε γεωργῶν ἀφανίσαντος μέρος τὸ πλείστον, καὶ ἀπ' αὐτοῦ ἐρήμων ὡς τὸ εἰκὸς τῶν χωρίων γεγενημένων, οὐδεμιᾷ φειδοῖ ἐχρήσατο ἐς τοὺς τούτων κυρίους. φόρον γὰρ τὸν ἐπέτειον οὐποτε ἀνίει πραττόμενος οὐχ ἥπερ ἐκάστῳ ἐπέβαλλε μόνον, ἀλλὰ καὶ γειτόνων τῶν ἀπολωλότων τὴν μοῖραν.

104. PERAEQUATIO OF A LANDLORD'S FARMS: *CTh* XIII. xi. 4, 393, qui fundum aliquem, velut afanticorum mole depressum, cupit aliquatenus relevari, omne nihilominus patrimonium suum admissio patiatu inspectore censi. quod quidem etiam ad singularum civitatum legationes convenit custodiri, ut scilicet omne territorium censeatur, quotiens defectorum levamen exposcitur, ut squalida atque ieiuna in culta atque opima compensent; 15, 417, si qui aliarum possessionum dominus desertum praedium suum inspicere forte voluerit, universa loca quae possidet etiamsi idonea sunt, peragrari patietur, ut sarcina destitutae possessionis, in quantum inspectio deprehenderit, possit melioribus sociari peraequatoque omni patrimonio nihil de desertis postea conqueratur. tantum enim his praediis aperta et absoluta levamenta praestamus, quorum aut domini omnino non extant aut paupertate mediocres ipsa tantum praedia habere monstrantur. HEIRS: *CTh* XI. i. 17 (= *CJ* XI. lix. 4), 371, heredes

scripti etiam pro minus idoneis fundis fiscale onus cogantur agnoscere, vel si renuntiandum hereditati putent, cedant his omnibus rebus, quas ex isdem bonis quocumque titulo et iure perceperint. PERAEQUATIO OF CITIES: *CTh* XIII. xi. 4, 393 (cited above), cf. 9, 398, qui per impotentiam fundos opimos ac fertiles occuparunt, cum quaestuosis uberibusque pro rata portione suscipiant infecundos. quoniam itaque legati Hieropolitanae civitatis succisos esse persecuti sunt, huiusmodi possessionum retentatores cum opimis fundis et minus idoneos suscipiant, quo eiusmodi aequalitate servata et ante dictae curiae vires possint in posterum respirare et fisci indemnitas custodiri. For the allocation of estates by a *peraequator* see n. 105. ITALY IN 365: *CTh* v. xi. 9, 365, per Italiam afanticiae iugerationis onere consistentibus patrimoniis superfuso unumquemque tributarium adiectionem alieni debiti baiulare non dubium est; ideoque deserta iugatio, quae personis caret, hastis subiciatur, ut licitationis competitione futuros dominos sortiatur.

105. THE LAW OF 412: *CTh* XI. i. 31, possessor Africanus pro destitutis possessionibus cogitur tributa dependere. quod ne accidat, hac definitione sancimus nullum possessorem neque munificum praedium pro alienis debitis vel destitutione esse detinendum neque eorum praediorum depectione praegravari, quae ex isdem bonis, quae retinent, nequaquam esse monstrantur; XIII. xi. 13, loca, quae praestationem suam implere non possunt, praecipimus adaequari, ut, quid praestare possint, mera fide et integra veritate scribatur, id vero quod impossibile est e vasariis publicis auferatur. et primo quidem veteribus dominis adscribi praedia ipsa conveniet, quorum si personae eorumve heredes non potuerint repperiri, vicinos vel peregrinos volentes, modo ut sint idonei, dominos statuendos esse censemus. in tantum autem omnium animos beneficiis provocamus, ut id, quod defectae possessioni inspectoris arbitrio adscribitur, biennii immunitate relevetur, ut nec idonea praedia alterius glebae sarcina in posterum praegraventur. *Peraequatores* nevertheless still allocate deserted lands to outsiders in *CTh* VI. ii. 24, 417, si quis desertam possessionem sub peraequationis sorte perceperit, eum a praestatione glebae senatoriae, etiamsi antiquitus hoc onus fundum manebat, alienum esse praecipimus, XIII. xi. 16, 417, competitionis obreptione seclusa apud eum possessio firma permaneat, cui a peraequatore semel eam traditam fuisse constiterit . . . si quis vero privatus aut obligatam sibi possessionem, quae deserta huc usque permansit, aut ex aliquo titulo deberi sibi iure confirmat, allegationes suas sine mora vel per se vel per aliam personam legibus ordinatam apud spectabilitatem tuam publicare debet, ita ut, si aequitatis ratione suadente ad petitem fuerit translata possessio, is, qui eam a peraequatore susceperat, rei melioratae receptis sublevetur expensis . . . quod si quis eo tempore, quo peraequator praedium alicui addidit, de suo iure vel per se vel per homines suos non crediderit actitandum, duorum mensum curriculum evolutis in perpetuum conquiescat; perhaps the transfer was theoretically voluntary. THE EDICT OF DEMOSTHENES: Just. Nov. clxvi. GUARANTEE IN CONVEYANCES: *P. Cairo*, 67169. It was presumably to cover a possible *ἐπιβολή ὁμοδούλων* that in a transfer of tax liability following a conveyance (*P. Nessana*, 24) it was stipulated that if the purchaser defaulted, the vendor became liable (*ἐν μηδενὶ καταβλαπτομένον ἢ κλινόμενον τοῦ δημοσίου λόγον· εἰ γὰρ ἀποκηθῇ, περὶ μὴ γένοιτο, τὸ ἐκλαβὸν πρόσωπον, τὸν πρωτότυπον . . .*). *Ἐπιβολή ὁμοκήσων*: *CJ* I. xxxiv. 2 (Anastasius), τὰ τῆς ιδιῆς κτήσεως κτήματα . . . μὴ δεχέσθωσαν ἀπόρων ἢ ὁμοκήσων ἐπιβολήν (as patrimonial estates acquired at all recently might well become liable to *ἐπιβολή ὁμοδούλων* arising from transactions some generations back, it seems likely that Anastasius would have exempted them from this burden also and that

ὁμοδούλων has fallen out before ἦ); Just. *Nov.* clxviii (an edict of Zoticus, praetorian prefect of the East under Anastasius; only fragments survive), τὰς τῶν ὁμοδούλων ἐπιφορὰς ὁ νόμος οἶδε καὶ τῶν ὁμοκλήσεων; τινῶν μὲν ἀπὸ τῶν ὁμοκλήσεων ἡ ζήτησις ἐπὶ τὰ ὁμόδουλα φέρεται καὶ οὕτως ἐπάγεται τοῖς ταῦτα κεκτημένοις, τινὰ δὲ ἀρχὴν παρὰ τῶν ὁμοδούλων λαμβάνει καὶ φέρεται ἐπὶ τὰ ὁμόκλησα; Just. *Nov.* cxixviii §§7, 8, 545, εἰ ποτε δὲ συμβαίῃ ἐπιβολὴν οἰασθήποτε κτήσεως ὁμοδούλων ἢ ὁμοκλήσεων γενέσθαι, ἐξ ἐκείνου τοῦ χρόνου κελεύομεν τὸν τὴν ἐπιβολὴν δεχόμενον ἀπαιτεῖσθαι ὑπὲρ αὐτῆς τὰ δημόσια, ἐξ οὗ παρεδόθη αὐτῷ ἡ ἐπιβαλλομένη κτήσις; . . . εἰ ποτε δὲ συμβαίῃ δεσπότην οἰασθήποτε κτήσεως ἢ μὴ φαίνεσθαι ἢ πρὸς τὴν τῶν δημοσίων καταβολὴν μὴ ἀρκεῖν, ὥστε διὰ τοῦτο τὴν τῆς ἐπιβολῆς ἀνάγκην γενέσθαι, κελεύομεν παραχρῆμα ταύτην παραδίδοσθαι τοῖς ὁμόδουλα ἢ ὁμόκλησα χωρία κεκτημένοις μετὰ πάντων τῶν ἐν αὐτῇ εὐρισκομένων γεωργῶν καὶ ποικιλλίων αὐτῶν καὶ ἐνθηκῶν καὶ καρπῶν καὶ ζώων καὶ πάντος ἄλλου instructου καὶ instrumentου τοῦ ἐκείσε εὐρισκομένου. The meaning of ὁμόκλησα is never explained in our surviving sources, but etymologically it should mean property on the same census list, just as ὁμόδουλα means property under the same ownership. If the government could find no suitable owner of ὁμόδουλα, it is difficult to see what alternative it had except to allocate a deserted estate to a neighbouring landlord in the same census district, i.e. territory. From Justinian's Novel it is clear that the actual estate was allocated to a new owner, and that ἐπιβολὴ ὁμοκλήσεων was not a synonym for ἐπιγραφὴ, whereby the tax burden of an abandoned estate was distributed among the owners of ὁμόκλησα. Procopius complains bitterly about ἐπιβολή (*HA* xxiii. 15-6, τὸ δὲ τῆς ἐπιβολῆς ὄνομα ὀλεσθὸς τίς ἐστιν ἀπρόοπτος ἐξαπιναιῶς τοῖς τὰ χωρία κεκτημένοις ἐπιγενόμενος πρόρριζόν τε αὐτοῖς ἐκτρίβων τὴν τοῦ βίου ἐλπίδα. χωρίων γὰρ τὸ τέλος τῶν ἐρήμων τε καὶ ἀπόρων γεγεννημένων, ὧν δὴ τοῖς τε κυρίοις καὶ τοῖς γεωργοῖς ἤδη τετύχηκεν ἡ παντάπασιν ἀπολωλέναι, ἡ γῆν πατρώαν ἀπολιποῦσι τοῖς ἐγκειμένοις σφίσι διὰ ταῦτα κακοῖς τρύχεσθαι, οὐκ ἀπαξιοῦσιν ἐπιφέρειν τοῖς οὕτω διεφθαρμένοις παντάπασιν).

106. *CTb* xi. i. 12, 365, quisquis ex desertis agris veluti vagos servos liberalitate nostra fuerit consecutus, pro fiscalibus pensationibus ad integram glebae professionem, ex qua videlicet servi videantur manere, habeatur obnoxius. id etiam circa eos observari volumus, qui ex huiusmodi fundis servos ad possessiones suas transire permiserint; Just. *Nov.* xvii §14, 535, ἀλλὰ καὶ τοὺς εἰσδεχομένους ἀλλοτρίους γεωργούς οὕτω μισήσεις, οὕτως ἀναγκάσεις θάττον ἀποδοῦναι τοὺς ληφθέντας κακῶς, ὥς, εἰ μέχρι πολλοῦ μειναῖεν ἀπειθοῦντες, ἅπαν ὅσον ἄπορον τῆς ἐπαρχίας ἐστί, τοῦτο ταῖς ἐκείνων κτήσεσιν ἐπιθήσεις.

107. JUSTINIAN'S MANDATES: Just. *Nov.* cxixviii §§7-8, 545; for complaints under Justin II and Maurice see n. 112.

108. ANTIOCH: Julian, *Misop.* 370D-371A, γῆς κλήρους οἶμαι τρισχιλούς ἔφατε ἀσπόρους εἶναι καὶ ἡγήσασθε λαβεῖν, λαβόντες δ' ἐνείμασθε πάντες οἱ μὴ δεόμενοι. τοῦτο ἐξετασθὲν ἀνεγάνη σαφῶς. ἀφελόμενος δ' αὐτοὺς ἐγὼ τῶν ἐχόντων οὐδ' δικαίως, καὶ πολυπραγμονήσας οὐδὲν ὑπὲρ τῶν ἐμπροσθεν, ὧν ἔσχον ἀτελεῖς, οὐδ' μάλιστα ἐχρῆν ὑποτελεῖς εἶναι, ταῖς βαρυτάταις ἐνεμα λειτουργίαις αὐτοὺς τῆς πόλεως. καὶ νῦν ἀτελεῖς ἔχουσιν οἱ καθ' ἕκαστον ὑμῖν ἐνιαυτὸν ἱπποτροφοῦντες γῆς κλήρους ἐγγὺς τρισχιλούς; the statement in 362C that Antioch was μυρίους κλήρους γῆς ἰδίας κεκτημένη must mean that the Antioch territory comprised 'countless' not 'ten thousand' *iuga*, for the much smaller city of Cyrrhus was assessed at 50,000 *iuga* of private land, and its total territory including imperial lands came to 62,000 *iuga* (Theod. *Ep.* (PG) 42, 47). FUNDI REI PUBLICAE IN ASIA: FIR I<sup>2</sup>. 108, hac sane quia ratione plenissima, quot intra Asiam rei publicae iuga esse videantur cuiusque qualitatis quantumve annua praestatione dependant,



*mansuetudo nostra instructa cognovit, offerendam experientiae tuae credidimus optionem, ut, si omnem hanc iugationem, quae est per omnem diffusa provinciam, id est sex milia septingenta triginta sex semis opima atque idonea iuga, quae praeter vinum (sic; an engraver's error for VIII M (octo milia) or some other figure) solidorum ad fixum semel canonem tria milia extrinsecus solidorum annua praestare referuntur, sed et septingenta tria deserta et iam defecta ac sterilia iuga, quae per illa, quae idonea diximus, sustentur, suscipere propria praestatione non abnuis, petitis maiestas nostra consentiat. CAMPANIA: CTb xi. xxviii. 2, 395, quingenta viginti octo milia quadraginta duo iugera, quae Campania provincia iuxta inspectorum relationem et veterum monumenta chartarum in desertis et squalidis locis habere dinoscitur, isdem provincialibus concessimus et chartas superfluae discriptionis cremari censemus.*

109. IMPERIAL LANDS IN AFRICA: CTb xi. xxviii. 13, 422, unde secundum fidem polyptychorum per provinciam proconsularem novem milia duas centurias iugera centum quadraginta unum in solvendo et quinque milia septingentas centurias iugera centum quadraginta quattuor semis in removendis, per provinciam vero Byzacenam in praestanda functione septem milia quadringentas sexaginta centurias iugera centum octoginta, septem milia sescentas quindecim vero centurias iugera tria semis in auferenda constat adscripta; Val. III, Nov. xxxiv §2, 451, igitur intra Numidiam provinciam ex desertis locis, de quibus, sicut celsitudinis tuae suggestio loquitur, nihil emolumentum accedit, honoratis et possessoribus, quos praediximus, XIII milia fere centuriarum sub quinque annorum vacatione concedimus. CYRRHUS: Theod. Ep. (PG) 42, τοῦτο τῆς χώρας τὸ μέτρον πέντε μὲν μυριάδας ἔχει ζυγῶν ἐλευθερικῶν, μύρια δὲ πρὸς τοῦτοις ἕτερα ταμιακά . . . μυρίων γὰρ καὶ πεντακισχιλίων ζυγῶν ἐπὶ τοῦ μεγαλοπρεποῦς τῆς μνήμης Ἰσιδώρου χρυσοτελῶν γενομένων, οὐκ ἐνεγκόντες τὴν ζημίαν οἱ ἐκ τῆς κομητιανῆς τάξεως πράκτορες, ἀπωδύρατο μὲν πολλὰκις, ἰκέτευσαν δὲ δι' ἀναφορῶν τὸν ὑψηλὸν ὕμῶν θρόνον, δισχιλίων αὐτοῦς καὶ πεντακοσίων ἀπόρων ἀπαλλάξαι ζυγῶν. καὶ προσέταξαν οἱ πρὸ τῆς ὑμετέρας μεγαλοφύτας ταύτας πιστευθέντες τὰς ἡγίας, ἀπολυθῆναι μὲν τοῖς ἀθλοῖς πολιτενομένοις τὴν ἀπορον ἰουγατίωνα, ἀντιδοθῆναι δὲ τοῖς κομητιανοῖς ἰσάριθμα ἕτερα; 47, τῷ ὄντι γὰρ βαρυτάτην μὲν ἀπογραφὴν ὑπὲρ πάσας τῆς ἐπαρχίας τὰς πόλεις ἡ ὑμετέρα πόλις ἐδέξατο· πάσης δὲ πόλεως κομφισθελση, μεμένηκεν αὕτη μέχρι καὶ τήμερον ὑπὲρ ἑξ μυριάδων καὶ δισχιλίων εἰσφέρουσα ζυγῶν.

110. OWNERS RECLAIM AMELIORATED LAND: CTb vii. xx. 11, 368 (cited in n. 102), CJ xi. lix. 8 (388-92), qui agros domino cessante desertos vel longe positos vel in finitimis ad privatum pariter publicumque compendium excolere festinat, voluntati suae nostrum noverit adesse responsum: ita tamen, ut, si vacanti ac destituti solo novus cultor insederit, ac vetus dominus intra biennium eadem ad suum ius voluerit revocare, restitutis primitus quae expensa constiterit facultatem loci proprii consequatur. nam si biennii fuerit tempus emensum, omni possessionis et dominii carebit iure qui siluit. CIVITAS AEDUORUM: Pan. Lat. v. 6.

111. For the census lists see JRS XLIII (1953), 53-6.

112. RESTOCKING LAND WITH SLAVES: CTb v. xiii. 4, 368. COMPLAINTS OF AFRICAN LANDOWNERS: Just. II, Nov. vi, suggestit autem tua magnitudo, maximam partem possessorum Africanae provinciae precibus suis intimare desolatos agros remansisse, cum divina lex promulgata fuisset, constituens creatos ex libera matre et adscripticio marito liberos esse. LANDS OF THE CARALITAN CHURCH: Greg. Ep. ix. 203, dictum etiam nobis est, quod rustici possessionis eiusdem Caralitanae ecclesiae rura propria deserentes in privatorum

possessionibus culturam laboris adhibeant. ex qua re agitur ut possessiones ecclesiae proprio in aliis occupato cultore depereant atque ad tributa sua persolvenda idoneae non existant. It is perhaps significant that these complaints are made after the great plague, to which Procopius attributes the depopulation of estates and their consequent abandonment (*HLA* xxiii. 20, οὐκ ἄχρι δὲ τούτων αὐτοῖς τὸ κακὸν ἔσται, ἀλλὰ καὶ τοῦ λοιμοῦ ξύμπασαν περιλαβόντος τὴν τε ἄλλην οἰκουμένην καὶ οὐκ ἥκιστα τὴν τῶν Ῥωμαίων ἀρχήν, τῶν τε γεωργῶν ἀφανίσαντος μέρος τὸ πλεῖστον, καὶ ἀπ' αὐτοῦ ἐρήμων ὡς τὸ εἶκος τῶν χωρίων γεγενημένων, οὐδεμιᾶ φειδοῖ ἐχρήσατο ἐς τοὺς τούτων κυρίους). For slaves and *coloni* left on deserted land, see n. 106.

113. OVERTAXATION: Lact. *Mort. Pers.* vii. 3, adeo maior esse coeperat numerus accipientium quam dantium, ut enormitate indictionum consumptis viribus colonorum, desererentur agri et culturae verterentur in silvam. CIVITAS AEDUORUM: Pan. Lat. v. 5-7. CARANIS: *FIR* III<sup>2</sup>. 101, *Sb* 8246. ANTIOCH: Julian, *Misop.* 370D-71A.

114. For assessment systems see pp. 453-4.

115. TAX LIST OF ANTAEOPOLIS: *P. Cairo*, 67057, cf. Johnson and West, *Byzantine Egypt: economic studies*, 275 ff. and *JHS* LXXI (1951), 271-2.

116. LANDS OF RAVENNAE CHURCH: *P. Ital.* 2.

117. Symmachus's complaints that agriculture did not pay (*Ep.* i. 5, sed res familiaris inclinata a nobis usque quaque visenda est, non ut quaestuum summa ditescat, sed ut spes agri voluntariis dispendiis fulciatur. namque hic usus in nostram venit aetatem, ut rus, quod solebat alere, nunc alatur) need not be taken very seriously, seeing that he drew some 1500 lb. gold a year in rents (*Olymp.* 44). EGYPTIAN LAND PRICES: *PSI* 66 (1½ *arurae* for 4 solidi), *Sb* 4661 (1 *arura* for 4 solidi), *SPP* xx. 121 (8 *arurae* for 40 solidi), *P. Cairo*, 67169 (1 *arura* for 6 solidi).

118. ITALIAN LAND PRICE: *P. Dip.* 114; cf. Columella, III. 3, for prices under the Principate.

119. SYRIAN VILLAGES: G. Tchalenko, *Villages antiques de la Syrie du nord*, Paris, 1953.

## XXI. TRADE (p. 824)

1. STILICHO'S BLOCKADE: *CTh* vii. xvi. 1, 408, hostis publicus Stilicho novum atque insolitum reppererat, ut litora et portus crebris vallaret excubiis, ne cuiquam ex Oriente ad hanc imperii partem pateret accessus. huius iniquitate rei moti et ne rarior sit diversarum mercium commeatus, praecipimus hac sanctione, ut litorum desistat ac portuum perniciose custodia et eundi ac redeundi libera sit facultas. Γαλλοδρόμοι: *V. Job. Eleem.* 35. Σπανοδρόμοι: *Pall. Hist. Laus.* xiv. IMPORTS OF GAUL: Greg. Tur. *HF* v. 5 (papyrus, oil), vii. 29, *Glor. Conf.* 64 (wines), cf. Sid. Ap. *Carm.* xvii. 15 for wines of Gaza, Sarepta, Chios and Falerii in late fifth century Gaul. FOREIGN MERCHANTS IN SPAIN: *Lex Vis.* xi. iii. 2, 3, 4, cf. *V. SS. Patr. Emerit.* 5. Cf. also Jacob the Jew, who was instructed to visit Gaul as well as Africa (see below n. 105).

2. For the currency see pp. 438 ff. THE REPUTATION OF THE SOLIDUS: Cosmas Indicopleustes, II. 116A, cf. XI. 448CD. MEROVINGIAN SOLIDI: Greg. *Ep.* vi. 10, *pergens auxiliante domino Deo nostro Iesu Christo ad patrimonium quod est in Galliis gubernandum volumus ut dilectio tua ex solidis quos acceperit vestimenta pauperum vel pueros Anglos, qui sint ab annis decem et septem vel decem et octo, ut in monasteriis dati Deo proficiant, comparet, quatenus solidi Galliarum, qui in terra nostra expendi non possunt, apud locum proprium utiliter expendantur.*

3. For roads see *CTh* xv. iii. Bridges are specifically mentioned in xi. xvi. 15, 382, 18, 390, xv. i. 36, 397, xvi. ii. 40, 412, xv. iii. 6, 423, and harbours in *CJ* i. iv. 26 pr., x. xxx. 4 pr., 530, Just. *Nov.* xvii §4, 535. For maintenance of harbours see also Lib. *Or.* xi. 159, *CTh* x. xxiii. 1, 369 (Seleucia), *CTh* xiv. xxvii. 2, 436 (Alexandria).

4. For *vectigalia* see pp. 429-30. We know of a 5 per cent. *teloneum* at Rusicada and Chulla in Numidia (Val. III, *Nov.* xiii §1, 445), a *portorium* at Passala, a village of Mylasa (*IGC* 241), and a *dinummiu vectigal* at Alexandria (*CTh* xiv. xxvii. 2, 436, perhaps identical with τὸν τοῦ ἐξαγωγίου τίτλον of Just. *Ed.* xiii §15). There was an imperial control station at Abydos, which Justinian converted into a customs station (*IGC* 4 = *OGI* 521, Proc. *HA* xxv. 3, 5, Agath. v. 12, Symeon Metaphr. *S. Demetrii Acta*, I. ix. 71). That maritime customs were levied at many ports is suggested by the immunity given to *navicularii* (*CTh* xiii. v. 5, 326, 17, 386, 23, 393, 24, 395) and the law forbidding illicit grants of immunity (*CTh* xi. xii. 3, 365). Octroi dues are suggested by *CTh* iv. xiii. 2, 321, universi provinciales pro his rebus, quas ad usum proprium vel ad fiscum inferunt vel exercendi ruris gratia revehunt, nullum vectigal a stationariis exigantur. ea vero, quae extra praedictas causas vel negotiationis gratia portantur, solitae praestationi subiugamus, and 3, 321, rusticanos usibus propriis vel culturae ruris necessaria revehentes vectigal exigi non sinimus: capitali poena proposita stationariis et urbanis militibus et Tertiis Augustanis, quorum avaritia id temptari firmatur. pro ceteris autem rebus, quas quaestus gratia comparant vendituri, solitum eos oportet vectigal agnoscere. The immunity granted to veterans probably applied to such dues (*CTh* vii. xx. 2, 326 (S), where *vectigalia* are coupled with market dues) as well as to *portoria* (*CTh* vii. xx. 9, 366).

5. SILIQUATICUM: Val. III, *Nov.* xv, 444-5, cf. Cass. *Var.* II. 4, 12, 26, 30, III. 25, IV. 19, V. 31.

6. MONOPOLIES: *CJ* IV. lix. 1, 473, 2, 483; *monopolium* is coupled with *siliquaticum* in Cass. *Var.* II. 4, 26, 30. ARMS MONOPOLY: Just. *Nov.* lxxxv, 539. SILK MONOPOLY: Proc. *HA* xxv. 13-26, cf. *Ec. Hist. Rev.* XIII (1960), 191-2; there was a regular imperial monopoly of raw silk imported from Persia (*CJ* IV. xl. 2 (383-92), comparandi serici a barbaris facultatem omnibus, sicut iam praeceptum est, praeter comitem commerciorum etiamnunc iubemus auferri; Just. *App.* v, χρη τὴν μέταξαν τοὺς κομμερκιαριοὺς πρὸς τοὺς βαρβάρους πραγματεύεσθαι ἢ νομισμασί τὴν λίτραν καὶ μεταπωλεῖν τοῖς μεταξαριοῖς ἢ τοῖς ἄλλοις οὐ πλέον καθαρὰν δίχα σφηκώματος ἢ ἄλλης προσθήκης ἢ ῥύπου. εἰ δὲ τις πρὸς βαρβάρους μὴ ὦν κομμερκιάριος πραγματεύσῃται τι καὶ μέταξαν ἐκείθεν ἀγάγῃ, δύναται αὐτὴν ἀφαιρεῖσθαι ὁ κομμερκιάριος, καὶ ὁ πραγματευσάμενος δημεύεται καὶ διηρεκῶς ἐξορίζεται. εἰ δὲ ὁ κομμερκιάριος ἢ ὁ μεταξάριος ὑπὲρ τὸ ἐξηβὲν ποσὸν πωλῆσῃ ἢ ἀγοράσῃ, ὁμοίως τιμωρεῖται) JUSTINIAN'S ALLEGED MONOPOLIES: Proc. *HA* xx. 1-5, xxvi. 18 ff.

7. For *octavae* see ch. XIII, n. 47. COMITES COMMERCIORUM: *Not. Dig. Or.* xiii. 6-9, *CJ* IV. xl. 2 (383-92) (cited in n. 6); cf. for *commercarii*, *Princeton Exp. Syria*, 20, 562, ἀπὸ κομμερκιαρίων [γ]ε τὸν ἐν [Μεσο]ποταμῶν καὶ ἀπὸ τοῦ Κλύσ[ματος] τ]ὸν ἐν Παλ[αιστίνῃ, Just. *App.* v. (cited in n. 6), Joh. Moschus, 186 (at Tyre). CLYSMA: *Itin. Hierosol. Petrus Diaconus*, 116, Clesma autem ipsa in ripa est, id est super mare, nam portus est ibi clausus qui intro castro ingreditur mare. qui portus mittit ad Indiam vel excipit venientes naves de India; alibi enim nusquam in Romano solo accessum habent naves de India nisi ibi. IOTABE: Malchus, 1, Theophanes, A.M. 5990. NISIBIS: Petr. Patr. 14. CALLINICUM: *CJ* IV. lxiii. 4, 409, mercatores tam imperio nostro quam Persarum regi subiectos ultra ea loca, in quibus foederis tempore cum memorata natione nobis convenit, nundinas exercere minime oportet, ne alieni regni, quod non convenit, scrutentur arcana. nullus igitur posthac imperio nostro subiectus ultra Nisibin Callinicum et Artaxata emendi sive vendendi species causa proficisci audeat nec praeter memoratas civitates cum Persa merces existimet commutandas; in 562 trade was confined to Nisibis on the Persian side and Dara on the Roman (Menander, 11). HIERON: *Proc. HA* xxv. 2, 4. THE DANUBE: Them. *Or.* x. 135C, *ILS* 775. PROHIBITED EXPORTS: *CJ* IV. xli. 1, 368 (S) (wine and oil), lxiii. 2, 374 (gold), xli. 2 (455-7, arms), *Totius Orbis Descr.* 22, has enim duas species, hoc est aeramen et ferrum, non licet hostibus dare; cf. for iron, Lib. *Or.* LIX. 66-7.

8. DIOCESAN GUILDS: *CTh* XIII. v. 7, 334 (Oriens and *Alexandrinus stolis*), 8, 336 (Hispaniae), 10, 364, ix. 3, 380, v. 36+37+ix. 6, 412 (Africa), v. 32, 409 (*Alexandrina* and *Carpathia classis*). MEMBERSHIP HEREDITARY AND ATTACHED TO LAND: *CTh* XIII. v. 1, 314, 3, 314 (S), si quis navicularius per obreptionem vel quacumque ratione immunitatem impetraverit, ad excusationem eum admitti nullo modo volumus. sed et si quis patrimonium naviculario muneri obnoxium possidet, licet altioris sit dignitatis, nihil ei honoris privilegia, in hac parte dumtaxat, opitulentur, sed sive pro solido sive pro portione huic muneri teneatur. nec enim aequum est, ut patrimonio huic functioni obnoxio excusato commune onus non omnes pro virili sustineant portione; vi. 1, 326, alienationes possessionum a naviculariis factas fugiendi muneris gratia praeiudicare vobis non sinimus. ideoque volumus, ut comparatores supra scriptarum possessionum interpellato praefecto annonae ad id obsequium compellantur, cui se obnoxios esse fecerunt; 2, 365, 4, 367, naviculariae facultates naviculario corpori reddantur, si bona rite retinentes subire eorum onera nolint, quorum possessione fruuntur. ceterum si sponte cognoscunt naviculariam functionem sine exceptione potioris vel cuiuscumque, bona ad se transmissa sine inquietudine possideant, cum pro rata ex parte debitis fungantur officiis; 6, 372, 7, 375, in his, quae navicularii vendunt, quoniam intercipere contractum emendi vendendique fas prohibet, emptor navicularii functionem pro modo portionis comparatae subeat, res enim oneri addicta est, non persona mercantis. neque navicularium ilico iubemus fieri eum, qui aliquid comparavit, sed eam partem quae empti est pro suo modo ac ratione esse munificam; v. 19, 390, 20, 392, 27, 397, vi. 8, 399. LIABILITY OF THE RES PRIVATA: *CTh* XIII. vi. 3, 370, sed et si est quidquam naviculario iuri obnoxium, quod domus nostrae proprietatem spectat, tolerare praecipimus navicularias functiones; 5, 367, domum etiam mansuetudinis nostrae in his, quae naviculario nomine obnoxia sunt, agnoscere praecipimus debitam functionem; OF THE CHURCH: Aug. *Serm.* 355 §5. LANDS RECLAIMED: *CTh* XIII. vi. 2, 365, 4, 367, 6, 372, etc. NO PRESCRIPTION: *CTh* XIII. vi. 3, 370, 5, 367 (except for 50 years, *CTh* XIII. vi. 10, 423). ENROLMENT OF NAVICULARII: *CTh* XIII. v. 14, 371.

9. FREIGHT: *CTh* XIII. v. 7, 334, et ad exemplum Alexandrini stoli quaternas in frumento centesimas consequantur ac praeterea per singula milia singulos solidos, ut his omnibus animati et nihil paene de suis facultatibus expedientes cura sua frequentent maritimos commeatus; cf. 36, 412, for *centesimae*, and *AE* 1947, 148-9, for Diocletian's tariff. In Justinian's time the rate was one solidus for 100 *artabae* (Just. *Ed.* xiii §8), that is 10 per cent. From Cass. *Var.* v. 35, ut, quia naucleri ducentos octoginta solidos in triticum et in naulis septingentos quinquaginta octo solidos accepisse perhibentur, si apud vos facti veritas innotescit, in summam ratione collecta, ab eis mille triginta octo solidorum quantitas inferatur, it appears that Theoderic paid the *navicularii* who brought corn from Spain to Italy partly in gold and partly in corn (here commuted to gold), but the rates cannot be calculated. PRIVILEGES: *CTh* XIII. v. 5, 326, *navicularios omnes per orbem terrarum per omne aevum ab omnibus oneribus et muneribus, cuiuscumque fuerint loci vel dignitatis, securos vacuos immunesque esse praecipimus, sive decuriones sint sive plebei seu potioris alterius dignitatis, ut a conlationibus et omnibus oblationibus liberati integris patrimoniis navicularium munus exercent*; 7, 334, *pro commoditate urbis, quam aeterno nomine iubente deo donavimus, haec vobis privilegia credidimus deferenda, ut navicularii omnes a civilibus muneribus et oneribus et obsequiis habeantur immunes et ne honores quidem civicos, ex quibus aliquod incommodum sentiant, subire cogantur. ab administratione etiam tutelae, sive legitimae sive eius, quam magistratus aut provinciae rectores iniungunt, habeantur immunes. et vacatione legis Iuliae et Papiae potiantur, ut etiam nullis intervenientibus liberis et viri ex testamento uxorum solidum capiant et ad uxores integra voluntas perveniat maritorum. de proprietate etiam vel hereditate vel qualibet alia civili causa pulsati ne ex rescripto quidem nostro ad extraordinarium iudicium evocentur, sed agentibus in suo foro respondeant*; 16, 380; for immunity from customs see especially *CTh* XIII. v. 24, 395, *ne qua causatio vectigalium nomine relinquatur, hoc observari decernimus, ut nulla omnino exactio naviculariis ingeratur, cum sibi rem gerere probabuntur, sed a praestatione vectigalium habeantur immunes*. TAX REBATE: *CTh* XIII. v. 14, 371, *excusandis videlicet pro denum milium modiorum luitione quinquagenis numero iugis in annonaria praestatione dumtaxat, ita ut vestes atque equi ceteraeque canonicae species ab indictione eadem non negentur. ad conficienda vero competentia navigia a provincialibus cunctis primitus materiae postulentur, reparationem deinceps per singulos annos isdem naviculariis ex concessa iugorum immunitate curaturis*; cf. 32, 409, *solaciis pro mercedula praestitis ex tributariae pensationis immunitate vel ex eo, quod vocatur φιλικόν, nec non etiam aliis, quae tuae cognitionis limavit examen*.

10. EXPEDITIONALES PORTUS: *CTh* XIII. ix. 2, 372, v. 35, 412; cf. Lib. *Or.* LIV. 47, *ἡ ναὺς αὐτὴ τὴν σωτηρίαν ἔφερε καὶ βασιλεῖ καὶ στρατιώταις καὶ πόλεσι ταῖς ἐπὲρ ἄλλας*. DATES OF SAILING: *CTh* XIII. ix. 3 §3, 380. TWO YEARS' GRACE: *CTh* XIII. v. 21, 392, 26, 396. LOSSES BY STORM: *CTh* XIII. ix. 1, 372, 2, 372, 3, 380, 4, 391, 5, 397, 6, 412. Cf. XIII. v. 32, 409.

11. STATUS OF NAVICULARII: *CTh* XIII. v. 5, 326, *navicularios omnes per orbem terrarum per omne aevum ab omnibus oneribus et muneribus, cuiuscumque fuerint loci vel dignitatis, securos vacuos immunesque esse praecipimus, sive decuriones sint sive plebei seu potioris alterius dignitatis*; 14, 371, *et sunt corpora, de quibus navicularii ex indictione quinta decima constituendi sunt iuxta sacram iussionem ita: ex administratoribus ceterisque honorariis viris praeter eos, qui intra palatium sacrum versati sunt, de coetibus curialibus et*

de veteribus idoneis naviculariis et de ordine primipilario. et de senatoria dignitate ut, si qui voluerint freti facultatibus, consortio naviculariorum congregentur; in *P. Oxy.* 87 a decurion is a *navicularius* (ναυκλήρου θαλαττίου ναυκλήριον). Libanius asks that one Megistus be enrolled ἐν τοῖς κομιζουσιν ἀπ' Αἰγύπτου σῖτον to avoid curial services (*Ep.* 705), and begged for an imperial office for his bastard son, who feared τὰ τε πλοῖα καὶ τὸν σῖτον καὶ τὴν θάλασσαν τὰς τε ἐν τῷ βουλευεῖν πληγὰς (*Ep.* 959; the *curia* and the *navicularia functio* are presumably alternatives). There are other complaints about the imposition of σιτηγία in *Or.* LIV. 40-1, 47, *Ep.* 210, 349-50, 1414, 1496; of the persons concerned one, Julianus, was a *honoratus*, the others mostly of curial station (see W. Liebeschütz, *Rhein. Mus.* civ (1961), 242-56, who doubts if the letters all refer to the *navicularia functio*). In *CTh* XIII. ix. 2, 372, half the crew have to be produced in the investigation of a shipwreck, in law 3 of 380, the master and two or three sailors, or in case of total loss the *affectiones naviculariorum*, interpreted by *CJ* xi. vi. 3 as the children of the sailors or masters. In Paul. *Ep.* 49, the *navicularius* Secundinianus sends his ship from Sardinia to Rome, but does not sail on it himself. SLEEPING MEMBERS: *CTh* XIII. vi. 7, 375, neque navicularium ilico iubemus fieri eum, qui aliquid comparavit, sed eam partem quae empta est pro suo modo ac ratione esse munificam. nec enim totum patrimonium ad functionem navicularii muneris occupandum erit, quod habuerit qui rei exiguae mercator accessit, sed illa portio, quae ab initio navicularii fuit, ad pensionem huius functionis sola tenenda est, residuo patrimonio, quod ab hoc vinculo liberum est, otioso et immuni servando. domos vero, quarum cultu decus urbium potius quam fructus adquiritur, ubi a naviculariis veneunt, pro tanto modo ad hanc pensionem obligari placet, quantum habebant emolumentum, cum pecunia mutuarentur. The church of Hippo would, however, have had to run a ship and employ sailors to man it (*Aug. Serm.* 355 §5). CHARTER OF SHIPS: *CTh* XIII. vii. 1, 399, 2, 406, Th. II, *Nov.* viii, 439.

12. For the earlier history of the *navicularii* see Suetonius, *Claudius*, 18-9, Gaius, I. 32, Ulpian, III. 6, Tac. *Ann.* XIII. 51, and for their immunity from civic burdens *Dig.* L. ii. 9 §1, iv. 5, v. 3, vi. 1, 5 §§3-9, 13.

13. For the *caudicarii* and *lintriones* see pp. 698-9, 705. THEODERIC'S DROMONES: Cass. *Var.* iv. 15, v. 16-20; the boat service on the Po (Cass. *Var.* II. 31) already existed in 467 (*Sid. Ap. Ep.* I. 5, Ticini cursoriam (sic navigio nomen) escendi . . . Brixillum dein oppidum, dum succedenti Aemiliano nautae decedit Venetus remex, tantum, ut exiremus, intravimus, Ravennam paulo post cursu dexteriore subeuntes). NILE BOATS: *P. Oxy.* 1048, a list of river craft (λουσώρια and πλοῖα), with their cargoes of corn; two boats belong to a *clarissimus*, five to decurions, three to owners of unspecified rank. GUARANTEES: *Chr.* I. 434 (five ναυκληροκυβερνηταὶ and one κυβερνητὴς πλοίου καθολικῆς ἐκκλησίας), *P. Oxy.* 2347 (κυβερνητὴς of a private πλοῖον Ἑλληνικόν). RECEIPTS FOR CARGOES: *P. Goodspeed*, 14 (ναυκληροκυβερνητὴς πλοίου ἰδίου Ἑλληνικοῦ), *P. Flor.* 75 (ναυκληροκυβερνητὴς), *P. Oxy.* 1260 (κυβερνητὴς of a private πλοῖον Ἑλληνικόν), *P. Amb.* 138 (κυβερνητὴς πλοίου ταμιακοῦ), *P. Cairo Preis.* 34 (ναύκληρος πλοίου δημοσίου τῆς Μαξιμιανουπόλεως); cf. also *Chr.* I. 46 (κυβερνητὴς πλοίου δημοσίου).

14. There is a good account of the system in E. J. Holmberg, *Zur Geschichte des Cursus Publicus* (Upsala, 1933). CURSUS VELOX AND CLABULARIS: *CTh* VIII. v. 62, 401, usurpationem cursus publici penitus iussimus amputari, scilicet ut excepta magnitudine tua praesumendi velocis et clavularii cursus nullus habeat potestatem; Joh. Lydus, *Mag.* III. 61, νόμος ἄνωθεν ἐκράτησε πλατὺν

ἄμα καὶ δὲξὸν δρόμον ἐνιδρύσθαι ταῖς ἐπαρχίαις, ὃν δὲ μὲν πλατὺς ὀχήμασιν ἐχρήτο, ὁ δὲ δέξυς ὑποζυγίοις ἵπποις· βεραῖδους αὐτοὺς οἱ κρατοῦντες ὠνόμασαν, *Mens.* i. 31-2, κλαβουλάριος ὀχηματικός· κλάβον γὰρ τὸν οἶακα καλοῦσιν. βήλωξ, δέξυς, δς καὶ βεραϊδαρικός ἐστι καὶ νῦν λέγεται. βεραῖδους δὲ Ἱταλοῖς εἶναι δοκεῖ τοὺς ὑποζυγίους ἵππους . . . ὅπερ ἐστίν, ἔλκειν τὸ ὄχημα· ὅθεν καὶ δασύνουσι γράφοντες τὸ βεραῖδας ὄνομα ἐκ τοῦ βεραῖδους ἐπιρρήματος παρηγγιμένον· οἱ γὰρ βεραῖδους τοὺς βεραῖδας ἐκτὸς λέγοντες σφόδρα πλανῶνται. The term *cursus velox* is also used in *CJ* x. xxiii. 3, 468; *cursus clabularis* in *CTh* vi. xxix. 5, 359, in his *dumtaxat* provinciis, in quibus cursus a provincialibus exhibetur, quoniam avaritiae occurrī paene iam non potest, singulos solidos per singulas raedas, id est quas quadrigas vel flagella appellat, percipiat per id tempus, quo curarum et cursus tuendi sollicitudinem sustinebitis. e cursu vero clavulari singulas angarias, in his scilicet stationibus, in quibus cursus est conlocatus, ad exhibendam humanitatem venientibus excusetis; *viii.* v. 23, 26, 365, *CJ* xii. l. 22 (Leo); δέξυς δρόμος in *Proc.* *HA* xxx. 2, *Chr.* i. 405, 437, *P. Oxy.* 2115. I agree with Holmberg (*op. cit.* 60) that the *cursus velox* supplied not only riding and pack horses (*veredi* and *parhippi*), but also carriages and carts drawn by horses or mules, while the *cursus clabularis* handled only ox wagons (*angariae*). This is strongly suggested by *CTh* vi. xxix. 5 (cited above), and is supported by John Lydus (see above). John's definition of *veredi* is, however, inaccurate, for *veredi* were saddle horses and their use for pulling carts is forbidden in *CTh* *viii.* v. 24, 365. Julian's definition of *parhippi* in *CTh* *viii.* v. 14, 362, et quamquam, quid sit parhippus, et intellegere et discernere sit proclive, tamen, ne forte interpretatio depravata aliter hoc significet, sublimitas tua noscat parhippum eum videri et habendum esse, si quis usurpato uno vel duobus veredis, quos solos evectio continebit, alterum tertiumve extra ordinem commoveat, is apparently a laboured joke, for he himself (Julian, *Ep.* 20, 31, 76) and later emperors (*CTh* *viii.* v. 29, 367, 49, 389) issued warrants which made express provision for *parhippi*, and in *viii.* v. 22, 365, *parhippus* is equated with *avertarius* (baggage animal). TEAMS: *CTh* *viii.* v. 8, 356, octo mulae iungantur ad raedam aestivo videlicet tempore, hiemali decem; birotis trinas sufficere iudicavimus. LOADS: *CTh* *viii.* v. 8, 356 (S), statuimus raedae mille pondo tantummodo superponi, birotae ducenta, veredo triginta; non enim ampliora onera perpeti videntur; 17, 364, vehiculis nihil ultra mille librarum mensuram patiemur imponi, ita ut veredarīi sat habeant, quod his triginta libras equis vehere concessimus; 28, 368, quod iam Gallis prodest, ad Illyricum etiam Italiaeque regiones convenit redundare, ut non amplius raeda quam mille pondo subvectet, angariae mille quingenta sufficiant, veredo ultra triginta nullus imponat; 30, 368, perspicue sanxeramus, ut in carpentis raedarum mensuram subditam nullus excederet, nemo amplius raedae quam mille pondo, angariae quam mille quingenta, veredo quam triginta auderet imponere; 47, 385, raedae mille librarum onus imponi debet, carro sescentarum nec amplius addito eo, ut aurum ceteraeque species largitionales non ad libidinem prosecutorum vel susceptorum, sed aptis oneri ac ponderi vehiculis deferantur . . . et quoniam veredorum quoque cura pari ratione tractanda est, sexaginta libras sella cum frenis, triginta quinque vero averta non transeat; Justinian's version of this law raises the limit for *veredi* to 60 lb., and allows this to be exceeded if the load is a *centenarium* sack of gold. Theoderic fixed a maximum of 100 lb. (Cass. *Var.* iv. 47, v. 5). TRANSPORT OF GOLD AND SILVER: *CTh* *viii.* v. 47, 385, 48, 386, si aurum sacrarum largitionum vel argentum ad comitatum nostrum destinatur, una raeda quingentis auri libris, mille vero argenti, si vero privatarum, auri trecentis, quingentis vero argenti libris oneretur; this law also directs that henceforth ordinary clothing should be

conveyed by ship or ox wagon, and only *delicatae vestes* for the use of the court carried by *raeda* (see n. 16); cf. also laws 18 and 20, 364, for transport by *carpentum* of *largitionales species*, and *CJ* XII. l. 23 (Anastasius), *Proc. HA* xxx. 2 (the *cursus velox* used for conveying taxes). EUSEBIUS'S SCRIPTURES: *Eus. V. Const.* IV. 36.

15. For the system of *evectioes* see p. 402. ISSUED TO THOSE INVITED TO COURT: *Soc.* I. 25 (Constantine to Arius), Julian, *Ep.* 12, 20, 31, 39, 76; TO BISHOPS FOR COUNCILS: *Amm.* XXI. xvi. 18, ut catervis antistitum iumentis publicis ultro citroque discurrentibus per synodos, quas appellant, dum ritum omnem ad suum trahere conantur arbitrium, rei vehiculariae succideret nervos; cf. the protest of the Eastern bishops at Sardica, cursusque ipse publicus attritus ad nihilum deducitur (*CSEL* LXV. 64); TO PROVINCIAL DELEGATIONS: *CTh* VIII. v. 32, 371, XII. xii. 9, 382; TO THE HIGHEST OFFICES: *CTh* VIII. v. 44, 384 (cf. *Amm.* XX. viii. 22, for the family of the praetorian prefect Florentius); TO PRIVATE PERSONS: *Symm. Ep.* I. 21, IV. 7, VII. 48, 105-6, IX. 22. MELANIA'S JOURNEY: *V. Mel.* 52.

16. TEAM: *CTh* VIII. v. 11, 360 (cited below). LOAD: *CTh* VIII. v. 30, 368 (cited in n. 14). USES OF THE WAGON POST: *CTh* VIII. v. 16, 363, sane angariarum cursum submoveri non oportet propter publicas species, quae ad diversos portus deferuntur; 48, 386, lineae vel amictoria, quibus hactenus onerari raedae solebant, nec ulterius raedis, sed angariis vel navibus dirigantur et si alicubi reptatae fuerint huiusmodi species, thesauris eius urbis, in qua deprehensae fuerint, deputentur, per angarias, ubi facultas fuerit, destinandae; reliquae vero delicatae vestes, sed et linteamen amictorum nostrorum usibus necessarium raedis sub mille librarum ponderatione mittantur; *CJ* XII. l. 22 (Leo), in transitu fortissimorum militum (quando nostra serenitas disposuerit ex aliis ad alia eos loca deduci, evectioesque animalium secundum consuetudinem a nostra fuerint aeternitate consecuti) et in armorum tam confectione quam translatione servata consuetudine, in profectione quin etiam legatorum; XI. x. 7 §1 (Leo), quotiens sane in translatione armorum angariae necessariae fuerint, sublimitas tua litteras ad eminentissimam iubeat dirigi praefecturam et numerum ei armorum et ex quo loco transferenda sunt indicare, ut continuo super praebeendis angariis pro numero eorum quae transferuntur armorum praeceptione sua viros clarissimos provinciae moderatores conveniat, ut secundum missam a sublimitate tua notitiam naves vel angariae confestim de publico praebeantur; *CTh* VIII. v. 11, 360, ne qua posthac legio amplius quam duas angarias et hoc eorum, si qui aegri sunt, causa usurpare conetur, cum ad destinata proficiscitur, ita tamen, ut pro singulis angariis bina tantum boum paria consequantur; *Amm.* XX. iv. 11, textu ad comitatum perlato lectoque Iulianus contemplans rationabiles querelas, cum familiis eos ad orientem proficisci praecepit, clabularis cursus facultate permissa; *Maj. Nov.* vii §13, 458, itaque provinciali iudici non solum faciendarum evectioes nulli tribuatur facultas, verum ne ipsi quidem, cum ad alteram pergere coeperit civitatem, plus quam unam sibi angariam et duos paraveredos alteramque angariam officio suo et paraveredos duos liceat postulare. USE BY PRIVATE PERSONS: *CTh* VIII. v. 15, 363, mancipum cursus publici dispositio proconsulis forma teneatur, neque tamen sit cuiusquam tam insignis audacia, qui parangarias aut paraveredos in civitatibus ad canalem audeat commovere, quo minus marmora privatorum vehiculis provincialium transferantur, ne otiosis aedium cultibus provincialium patrimonia fortunaeque lacerentur; *Symm. Ep.* IX. 25, oro praeterea, ut equorum tractoriis, quas vir inlustris Theodorus emisit, con-



firmationem per epistulam praestes, ne mutato iudice beneficii lentescat auctoritas. *Tractoriae* are also mentioned in *CTh* VIII. v. 9, miranda sublimitas tua nullos evectioni dies addendos esse cognoscat nec passim raedarum tractorias vel evectiones birotum faciat; *CJ* XII. l. 22 §1 (Leo), tractorias videlicet animalium super memoratis causis nulli alii iudici, cuiuscumque sit dignitatis, nisi tuo tantummodo culmini faciendi licentiam patere decernimus; and two obscure laws in the title *CTh* VIII. vi, de tractoriis et stativis, from which it would appear that they were given to soldiers on discharge, presumably to convey their families and effects to their homes, and to those 'qui animalia atque equos sacro usui necessarios prosequuntur'. The document preserved in *Opt. App.* VIII is probably a *tractoria*. The word is used in *Aug. Ep.* 59 to denote a summons to an episcopal council.

17. The Antonine Itinerary and Bordeaux Itinerary are published in O. Cuntz, *Itineraria Romana*, I (Leipzig, 1929). Procopius (*HA* xxx. 3) says that there were from five to eight stations for a day's journey.

18. MAINTENANCE OF STATIONS: *CTh* VIII. v. 34, 377, nam ut stabula impensis publicis extruantur, contra rationem est, cum provincialium sumptu citius arbitremur et utilius adparanda; *CJ* XII. l. 7, 377, stabula autem ut impensis publicis extruantur, contra rationem est, cum provincialium sumptu, in quorum locis stabula constituta sunt, citius arbitremur apparanda et utilius tam publico quam his, quos stercus animalium pro suo solacio habere concedimus; cf. *Symm. Ep.* II. 27, sed licet publicae rei absolutione laeteris, volo te adversum incerta muniri, videlicet ut sub actorum confectione vel tuorum, si adhuc retines potestatem, vel vicariae praefecturae, quae tibi poscenti aequa non deerit, diligentiae tuae ratio digeratur, quae possit ostendere, quot numero animalia conlocaris, et quo apparatu instruxeris mansiones, et quantum in titulis fiscalibus exigendis tua cura promoverit. MANCIPES (EXHIBITIO CURSUS): *CTh* VIII. vii. 6 (326-54) (*primipilares*), 7, 356 (S) (*officiales*), iv. 7, 361 (*officiales rationalis*), 8, 364 (*officiales*), v. 23, 365, ad procurationem clavularii cursus eligendi sunt ex eo hominum genere, qui in provinciis codicillis comitivae et praesidatus aut rationum epistulis honorariis nixi ab omnium se civilium et publicorum officiorum ministerio removerunt, 26, 365, cursus mancipis clavularii ex quo genere hominum debeant ordinari, apertissima lege decrevimus. quorum si praedictae numerus functioni non potuerit occurrere, curiales ad hoc munus sunt vocandi, vii. 9, 366, qui de ordinariorum officiis iudicum vel amplitudinis tuae, exceptis his, qui cornicularii honore perfuncti sunt vel his, qui secundum legem purpuram nostram adorarunt, inter protectores domesticos vel scholares militant, ad eius, quod declinare temptaverunt, muneris functionem et ad necessitates constringantur mancipatus, v. 34, 377, iam vero mancipum non ab ordine nec a magistratibus accipienda videntur obsequia, sed ab officio proconsulari qui missione donantur, vel ex aliis officiis, quos idoneos atque emeritos esse constiterit. non enim improbabilis haec dispositio est, cum et in suburbicariis regionibus haec consuetudo servetur, 35, 378 (*militans* or *decurio*), 46, 385 (*officiales*), vii. 16, 385 (*officiales*), v. 51, 392 (*curiales*), vii. 19, 397 (*officiales* including *praefectiani*), iv. 23, 412 (*officiales*), *Chr.* I. 437 (a decurion nominated εις κονδονκτοριαν του δεξους δρομου), *P. Oxy.* 2115, Φλαύιος Εὐλόγιος λογιστής Ὁξυρυγχίτου λογογράφου κονδονκτοριον τῆς αὐτῆς πόλεως χαίρειν. ἐπειδὴ ἐν τῷ ἐπιστάλματι τῶν κονδονκτόρων τοῦ δεξέου δρόμου ἐνκειται καὶ ἡ ἐπονυμία τοῦ νόου Ζεφυριον Παιανίου ὑπὲρ ἡμίσεος στάβλου καὶ διε[ . . . ]. TERMS OF SERVICE: *CTh* VIII. v. 36, 381, mancipibus supra lustrale tempus cura non immineat mancipatus: nec intra triginta dies . . . amplius cuiquam

liceat ex mutatione discedere. quod si quis supra praescriptum numerum dierum ab statione, quam receperit, excesserit, capitali animadversione puniatur. idcirco enim quinquennio devoluto eos honorem perfectissimatus manere praecipimus omniumque aliarum necessitatum immunitate foveamus, ut tempus procurationis impositae sollerti fide et integritate succedant; cf. 42, 382, for the five years' tenure. For the duties of a *manceps* see *CTh* VIII. v. 23, 24, 365, 35, 378, 53, 395, 60, 400, VI. xxix. 9, 412. Cf. Greg. Naz. *Ep.* 126 (a plea for Nicobulus, who suffers from ill health and is unequal *τῇ τοῦ δρόμου φροντίδι καὶ τῇ τῆς μονῆς προσεδεία*).

9. NUMBER OF ANIMALS: *Proc. HA* xxx. 4, cf. *CTh* VIII. v. 35, 378, a nullo umquam oppido aut frequenti civitate, mansione denique atque vico uno die ultra quinque veredorum numerus moveatur . . . si tamen necessitas maior coegerit, super sollemnem numerum iubemus admitti quos aut sacras litteras ferre constiterit aut habere in evectionibus adnotatum, ut aliqua de causa instantius ire iubeantur, quod vel spectabilis viri officiorum magistri vel sinceritatis tuae litteris oportebit adscribi, ut exstet evidens causa, quae praescriptum legis excedat. in vehiculis etiam hac volumus ratione moderari, ne supra assium numero raeda moveatur; 40, 382, sane ut etiam agendi itineris possit esse moderatio, seni veredi, singulae etiam raedae per dies singulos dimittantur. REPARATIO CURSUS: *Pap. Roll*, I. 21-2, II. 18-9, IV. 24 payments *εἰς λόγον ἀποτέλλων κτηνῶν δημοσίων*, II. 13, 17, IV. 22, *CTh* VIII. v. 34, 377, quia in omnibus aliis provinciis veredorum pars quarta reparatur, in proconsulari provincia tantum detur, quantum necessitas postulaverit et quidquid absumptum non fuerit, hoc nec pro debito habeatur nec a provincialibus postuletur. non dubitamus autem plus quam quartam ad reparationem necessariam non esse iumentorum; cf. 42, 382, reparationis conlatione ab officialium persona submota idoneos mancipis constitutos quinquennii tempus implere praecipimus.

20. FODDER: *CTh* VIII. v. 23, 365, qui viri et evectiones commeantium exactissima cura inspicere debebunt et animalibus alimenta, quae fiscus noster suggerit, ministrare; XI. i. 9, 365, tabulariorum fraudes se reseccasse per suburbicarias regiones vir clarissimus Anatolius consularis missa relatione testatus est, quod pabula, quae hactenus ex eorum voluntate atque arbitrio ad mutationes mansionesque singulas animalibus cursui publico deputatis repente atque improvise solebant convahi, nunc in consilio ratione tractata pro longinquitate vel molestia itineris ab unoquoque oppido certo ac denuntiato tempore devehi ordinavit. quod iubemus, ut etiam per omnes Italiae regiones pari ratione servetur; VIII. v. 60, 400, animalia publica, dum longe maiore ac periniquo pretio pabula aestimantur, per mancipes atque apparitores aperte vexantur. ne id contingat, sublimitas tua disponat, ut neque pabula mutationibus desint neque provinciales ultra, quam iustitiae sinit ratio, praegraventur.

21. STAFF: *CTh* VIII. v. 31, 370, nec mulionibus nec carpentariis nec mulo-mediciis cursui publico deputatis mercedem a quoquam sinceritas tua siverit ministrari, cum iuxta publicam dispositionem annonas et vestem, quam isdem credimus posse sufficere, consequantur; 34 §1, 377, praeterea in singulis mutationibus arbitramur ternis veredis muliones singulos posse sufficere; 37, 382, 50, 390 (*hippocomi*), 53, 395 (*muliones*), 58, 398, si quis mulionem mutationibus deputatum vel sollicitatione vel receptione subtraxerit, per singula capita humana X libras argenti inferre cogatur. et ne sollicitatoribus et occultatoribus sit ullum in aliqua excusatione perfugium, nec mutari quemquam per compensationis simulationem vel absolvi sub aetatis aut debilitatis

alicuius obtentu licebit. ideoque iudex, qui sibi hoc vindicaverit ut servum publicum liberet, unam libram auri per homines singulos, officium quoque eius, si legem supprimendo consenserit, simili poena multetur. haec in futurum mansuetudo nostra constituit. in praeteritum autem hoc statuisse sufficiat, ut, si muliones publici repperiti fuerint licet senes aut debiles, cum uxoribus suis et omni peculio atque agnatione retrahantur. *Hippocomi* are also mentioned in Proc. *HA* xxx. 4, *V. Hypat.* 97.

22. BLUDGEONS: *CTb* VIII. v. 2, 316. That *paraveredi* were an additional burden over and above the cost of post appears from *CTb* VIII. v. 64, 403, *comperimus provinciales et pabula et pecuniam pro equorum cursualium sollemni ratione conferre et extrinsecus paraveredorum onere praegravari. provinciarum igitur rectores procurent, ne umquam cursus publicus veniat in querellam et occasio deceptionis curiales animalia indebita praestare compellat.* The provision of *parangariae* and *paraveredi* was a *sordidum munus*, *CTb* XVI. ii. 10, 353, 14, 357, XI. xvi. 15, 382, 18, 390, VI. xxiii. 3, 432, 4, 437. They are also mentioned in *CTb* VIII. v. 3, 339 (S), 6, 354, 7, 360, 59, 400, 63, 401, *Maj. Nov.* vii §13, 458, *CJ* XII. l. 23 (Anastasius).

23. JULIAN AND SARDINIA: *CTb* VIII. v. 16, 363, in provincia Sardinia, in qua nulli paene discursus veredorum seu paraveredorum necessarii esse noscuntur, ne provincialium status subruatur, memoratum cursum penitus amputari oportere decernimus, quem maxime rustica plebs, id est pagi, contra publicum decus tolerarunt. excellens igitur auctoritas tua officio praesidali necessitatem tolerandae huiusmodi exhibitionis imponat, aut certe, si hoc existimant onerosum, suis animalibus uti debebunt, quotiens eos commeare per provinciam necessitas publica persuaserit. sane angariarum cursum submoveri non oportet propter publicas species, quae ad diversos portus deferuntur. proinde considerata rerum necessitate pro locorum situ atque itineris qualitate tantum numerum angariarum collocari oportere decernas, quantum necessarium esse adhibitae plenissime deliberationes suaserint. LEO AND ORIENS: *CJ* XII. i. 22, cursum clavularem ab omni Orientali tractu nec non ab his civitatibus aliarum regionum, quarum instructio tui culminis meminit, tolli amputarique decernimus, ita tamen, ut in transitu fortissimorum militum (quando nostra serenitas disposuerit ex aliis ad alia eos loca deduci, evectionesque animalium secundum consuetudinem a nostra fuerint aeternitate consecuti) et in armorum tam confectione quam translatione servata consuetudine, in profectione quin etiam legatorum animalium dominis, qui ea solent accepta mercede locare, praebenda pensio arcae tui culminis imputetur. JUSTINIAN: Proc. *HA* xxx. i-ii, Joh. Lydus, *Mag.* III. 61. Procopius states that throughout the East, except on the road to the Persian frontier, the number of stations was reduced to one per day's journey (there having previously been from five to eight). John says that the *cursus velox* was entirely abolished in Asiana (through which the strategic road did not pass).

24. BASTAGAE: *Not. Dig. Or.* xiii. 19, xiv. 5, *Occ.* xi. 78-85, xii. 28-9. REPLACE-  
MENT OF ANIMALS: *CTb* x. xx. 4, 368 (= *CJ* xi. viii. 4), quod ad praesens remedium pertinet, decimum (*CJ* 'quintum') animal bastagariis pro reparatione praebetur. STATUS OF BASTAGARII: *CTb* x. xx. 11, 384 (= *CJ* xi. viii. 8), aeternam fiximus legem, ne umquam bastagariis militiam vel suam deserere liceat vel aliam, antequam eam impleverint, subreptiva impetratione temptare.

25. FABRICAE: *Not. Dig. Or.* xi. 18-39, *Occ.* ix. 16-39. BARBARICARII: *Not. Dig. Occ.* xi. 74-77; in *Not. Dig. Or.* xi. 45-9, the four *subadiuvae* who con-

trolled the *barbaricarii* of Oriens, Asiana, Pontica and Thrace with Illyricum are recorded (cf. also *CJ* xii. xx. 5 (Leo), in unoquoque scrinio fabricarum et barbar<icari>orum), but no list of factories is given. *CTb* x. xxii. 1, 374, mentions the factories of Antioch and Constantinople, and shows that they were then under the *CSL*. For the control of the *Ppo*, *mag. off.* and *CSL* see ch. XII, n. 8.

26. FABRICENSES: Cass. *Var.* vii. 19, formula ad praefectum praetorio de armorum factoribus, Just. *Nov.* lxxxv §3, §39, ut per sacrum nostrum rescriptum in illis statuantur locis in quibus sunt publicae fabricae, quatenus ipsi operantes arma et de fisco annonas accipiant; *CTb* x. xxii. 4, 398, stigmata, hoc est nota publica, fabricensium brachiis ad imitationem tironum infligatur, ut hoc modo saltem possint latitantes agnosci; vii. xx. 10, 369, *ILS* 699, *CIL* v. 8721, vi. 1696, *Amm.* xxix. iii. 4 (*praepositus fabricae*); *Amm.* xiv. vii. 18, ix. 4, xv. v. 9 (*tribunus fabricae*); *CTb* x. xxii. 3, 390 (*primicerius fabricae*); *CIL* v. 8754, 8757 (*biarchus fabricensis*). HEREDITARY: *CTb* x. xxii. 4, 398. DECURIONS FORBIDDEN TO SERVE: *CTb* xii. i. 37, 344, 81, 380, x. xxii. 6, 412. FABRICENSES AS CONDUCTORES: *CTb* x. xxii. 5, 404, *CJ* xi. x. 7 (Leo). JOINT RESPONSIBILITY: Th. II, *Nov.* vi. 438, fabricensium corpus invenit necessitas dura bellorum, quod immortalitatis genere principum scita custodit, ne deficiente principio successus generis laberetur: hoc enim armat, hoc nostrum ornat exercitum. hinc iure provisum est artibus eos propriis inservire, ut exhausti laboribus immoriantur cum subole professioni cui nati sunt. denique quod ab uno committitur, totius delinquitur periculo numeri, ut constricti nominationibus suis sociorum actibus quandam speculam gerant, et unius damnum ad omnium transit dispendium. universi itaque velut in corpore uniformi uni decoctioni, si ita res tulerit, respondere coguntur.

27. SUPPLY OF METAL: *CTb* x. xxii. 2, 388, omnibus fabricis non pecunias pro speciebus, sed ipsas species sine dilatione inferri, in perpetuum servanda hac forma praecipimus, ut venae nobilis et quae facile deducatur ignibus seu liquescat ferri materies praebeatur, quo promptius adempta fraudibus facultate commodo publico consulatur; Claudian, *de Bello Getico*, 535-9, at nunc Illyrici postquam mihi tradita iura meque suum fecere ducem, tot tela, tot enses, tot galeas multo Thracum sudore parari inque meos usus vectigal vertere ferri oppida legitimo iussu Romana coegi; for the *scrinium armorum* see ch. XIII n. 96. SUPPLY OF CHARCOAL: *CTb* xi. xvi. 15, 382, 18, 390, carbonis ab eo inlatio non cogetur, nisi vel monetalis cusio vel antiquo more necessaria fabricatio poscit armorum. VALENTINIAN AND THE PRAEPOSITUS: *Amm.* xxix. iii. 4. WORKING RATE: *CTb* x. xxii. 1, 374, cum senae per tricenos dies ex aere tam apud Antiochiam quam apud Constantinopolim a singulis barbaricariis cassides, sed et bucculae tegerentur, octo vero apud Antiochiam cassidas totidemque bucculas per dies triginta et tegerent argento et deaurarent, apud Constantinopolim autem tres solas, statuimus, ut Constantinopoli quoque non octonas singuli cassidas per tricenos dies, sed senas sic pari numero buccularum auro argentoque condecorant.

28. HADRIANOPOLIS: Ath. *Hist. Ar.* 18, *Amm.* xxxi. vi. 2. CAESAREA: Greg. Naz. *Or.* xliii. 57.

29. LYNPHIA, ETC.: *Not. Dig. Occ.* xi. 45, 73, xii. 26-7, *SEG* xvi. 417 (Heraclea), *Soz.* v. 15 (Cyprus), Greg. Naz. *Or.* xliii. 57 (Caesarea), *Amm.* xiv. ix. 7, *Itin. Hier. Antoninus*, 2 (Tyre), *CTb* x. xx. 8, 374 (Scythopolis), 18, 436 (bafia Foenices), *Lib. Ep.* 1362 (Cyprus); for *baphia* and *gynaecia* of the *res privata*

see also *CTh* i. xxxii. 1, 333. CALCARIENSES: *CTh* xii. i. 37, 344, hoc et in calcariensibus et fabricensibus et argentariis observetur, ut, quicumque obnoxii officiis vel muneribus civilibus ex supra dictis fabricis fuerint, curiae restituti nec impetrato rescripto liberentur.

30. PROCURATORES: *Not. Dig. Occ.* xi. 45-73, xii. 26-7, *CTh* i. xxxii. 1, 333, 3, 377, *CJ* xi. viii. 14, 426. WORKERS: Eus. *V. Const.* ii. 34 (enslaved Christians), *CTh* x. xx. 2, 357 (S), 9, 380 (*mancipia*), 5, 371, 7, 372 (*familiae*), 3, 365 (SC. Claudianum, cf. 10, 379, on the *monetarii*); they appear as a hereditary caste in *CTh* x. xx. 15, 425, 16, 426, 17, 427. MURILEGULI: *CTh* x. xx. 14, 424 (*dignitates*); Just. *Nov.* xxxviii §6, 535 (*curiales*).

31. CYZICUS: Soz. v. 15. CAESAREA: Greg. Naz. *Or.* xliii. 57. For the quota system see Soz. loc. cit., τῶν δημοσίων ἐριουργῶν καὶ τῶν τεχνιτῶν τοῦ νομισματος· οἱ πλῆθος ὄντες, καὶ εἰς δύο τάγματα πολυάνθρωπα διακεκριμένοι, ἐκ προστάγματος τῶν πρὶν βασιλέων ἅμα γυναιξὶ καὶ οἰκέλοις ἀνὰ τὴν Κόζικον διέτριβον, ἔτους ἑκάστου ῥητὴν ἀποφορὰν τῷ δημοσίῳ κατατιθέντες, οἱ μὲν στρατιωτικῶν χλαμύδων, οἱ δὲ νεουργῶν νομισμάτων.

32. LEVIES OF WOOL AND FLAX ON VILLAGES: *P. Thead.* 34, 37, *P. Hibeib*, 219, cf. *Sb* 7756, *P. Oxy.* 1428, 2154. LEVIES ON CORPORATI: *CTh* x. xx. 8, 374, xi. i. 24, 395. MURILEGULI: *CTh* x. xx. 14, 424.

33. *CTh* vii. vi. 5, 423, militaris adaeratio vestis a conlatoribus exigatur sacratissimis videlicet largitionibus inferenda, ita ut quinque eius partes fortissimis militibus erogentur in pretio, sexta vero portio a gynaeceariis clementiae nostrae absque ulla vel ipsorum vel publica incommoitate pro eadem contextione suscepta iunioribus gregariisque militibus in ipsa, quam maxime eos desiderare constitit, specie praebeatur.

34. MARBLE: *CTh* x. xix. 1, 320, 2, 363, 8, 376, 10, 382, 11, 384, 13, 393. THE THREE GREAT STATE QUARRIES: *CTh* xi. xxviii. 9, 414, 11, 416. CONVICT LABOUR: Eus. *Mart. Pal.* 8, 9, Just. *Nov.* xxii §8, 535. CORVÉES: *Chr.* i. 391, *P. Thead.* 34-6, *Sb* 2267, *SPP* xx. 76, *P. Lips.* 85-6.

35. CONVICTS: Eus. *Mart. Pal.* 7, 13. OBLIGATIONS OF METALLARII: *CTh* x. xix. 3, 365, perpensa deliberatione duximus sanciendum, ut, quicumque exercitium metallorum vellet adfluere, is labore proprio et sibi et rei publicae commoda compararet. itaque si qui sponte confluxerint, eos laudabilitas tua octonos scripulos in balluca cogat exsolvere; quidquid autem amplius colligere potuerint, fisco potissimum distrahant, a quo competentia ex largitionibus nostris pretia suscipient; 4, 367, ob metallicum canonem, in quo propria consuetudo retinenda est, quattuordecim uncias ballucae pro singulis libris constat inferri; 12, 392, per annos singulos septeni per hominem scripuli largitionibus inferantur ab aurilegulis non solum in Pontica dioecesi, verum etiam in Asiana. HUNT FOR MINERS: *CTh* x. xix. 5, 369, 6, 369, 7, 370, 9, 378, 15, 424; all these laws presume that *metallarii* were bound to their *origo*, and the last deals with their children. THRACIAN MINERS AND THE GOTHs: Amm. xxxi. vi. 6.

36. COMES METALLORUM: *Not. Dig. Or.* xiii. 11. PROCURATORES METALLORUM: *CTh* i. xxxii. 5, 386, cum procuratores metallorum intra Macedoniam Daciam Mediterraneam Moesiam seu Dardaniam soliti ex curialibus ordinari, per quos sollemnis profigetur exactio, simulato hostili metu huic se necessitati sub-

traxerint, ad implendum munus retrahantur ac nulli deinceps licentia laxetur prius indebitas expetere dignitates, quam subeundam procuracionem fideli sollertique exactione compleverint. METALLICA LOCA: *CTh* x. xix. 15, 424, qui vero metallica loca praedictae obnoxia functioni emisse perhibentur, isdem procul dubio, quae auctores eorum implere consueverant, muniis subiacebunt. nam de his, qui ad census annonarios transierunt, observandum est, ut illi, qui ante quinquennium tantummodo nexibus privatorum videntur impliciti, sine dubio ad originem propriam redire cogantur, ex aequo cum publicis fundis eorum subole dividenda et unico filio metallariorum origini vindicando, omni tamen ceteris in futurum huiusmodi licentia arte praeclusa.

37. LEVY OF IRON: Basil, *Ep.* 110, ἐλεεωῇ ἀγροικία τὴν σωτηρίαν χαρίσασθαι, καὶ τοῖς τὸν Ταῦρον οἰκοῦσι τὸν σιδηροφόρον φορητὴν προστάξαι γενέσθαι τὴν τοῦ σιδήρου συντέλειαν. LEVY OF COPPER: *CTh* xi. i. 23, 393, aerariae praestationis adiectio, quam citra priscam consuetudinem provincialium umeris Tatianus inposuit, a cunctis penitus salubri moderatione removenda est; xxi. 2, 396, aeris pretia, quae a provincialibus postulantur, ita exigi volumus, ut pro viginti quinque libris aeris solidus a possessore reddatur; 3, 424, perpetuo sancimus generalique decreto, ne cui deinceps ex praecepto comitivae sedis vel per oraculum sacrum vel per divinas adnotationes numinis nostri in nummo vel in specie, nisi ita publica necessitas postularit, propria liceat tributa persolvere, sed ut magis aut ipsam speciem, si hoc usus exegerit, aut aurum, quod aestimatio certa constituit pro centenario aeris, huiusmodi possessor exsolvat. AURARIA AERARIA ATQUE FERRARIA PRAESTATIO: *CTh* xi. xx. 6, 430.

38. LEVIES AND CORVÉES FOR PUBLIC WORKS: *CTh* xi. xvi. 15, 382, 18, 390, operas atque artifices non praebebit; excoquendae ab eo calcis sollicitudo cessabit; non conferendis tabulatis obnoxia, non lignis, indultam quoque materiem sub eadem exceptione numerabit.

39. Lact. *Mort. Pers.* xxxi. 5, quid vestis omnis generis? quid aurum? quid argentum? nonne haec necesse est ex venditis fructibus comparari? unde igitur haec, o dementissime tyranne, praestabo, cum omnes fructus auferas?

40. For commutation of taxes and payments, and for *coemptio* see pp. 460-1. COEMPTIO FROM MERCHANTS: *CJ* x. xxvii. 2, §§10-11 (Anastasius), ἐν ἐκείνῃ τοίνυν τῇ διοικήσει ἢ μέχρι σήμερον κρατεῖτω συνθήθεια, ὑποκειμένων καὶ τῶν ἐμπόρων τῇ συνθηθείᾳ, πρότερον μέντοι καὶ τοῖς συντελεσταῖς καὶ τοῖς ἐμπόροις καταβαλλομένων τοῦ τῆς συνωνῆς χρυσίου ἐν εὐστάθμοις νομίσμασι καὶ ὀβρύζοις, καὶ οὕτως αὐτῶν ἀπαιτουμένων ἀδιαστρόφως καὶ ἀζημίως τὸ εἶδος εἰσφέρειν, τοῦ δὲ ταῦτα παραβαίνοντος τοῖς αὐτοῖς ἐπιτιμίοις ὑποκειμένου. βέλτιον γὰρ ἀντὶ τῆς ἰδιωτικῆς ἐμπορίας μᾶλλον τοῖς στρατιώταις καὶ τοῖς ἐμπόροις χορηγεῖν τὰς ἀναγκαίας αὐτῶν ἀποτροφάς; Just. *App.* vii §26, §54, ut per negotiatores coemptiones fiant. super haec cognovimus, Calabriae vel Apuliae provinciae possessoribus pro coemptionibus non inferendis superindicticium titulum impositum esse pro unaquaque millena; unde coemptiones per negotiatores annis singulis exerceri, in praesenti vero negotiatoribus specierum coemptiones recusare temptantibus tam superindicticium titulum quam coemptionis onus provinciae possessoribus imminere; cum abunde mercatores sint, per quos possit exerceri coemptio, sancimus magnitudine tua haec examinante, si possibile sit per negotiatores species comparatas inferri, collatores provinciae nullatenus praegravari, cum superindicticio titulo semel eis imposito coemptionis etiam onus inferre sit impossibile.

41. ROMAN SENATORS: Olymp. 44. LAURICIUS: *P. Ital.* I. CHURCH OF RAVENNA: *P. Ital.* 3; the document appears to belong to the archives of the Ravennate church. For allocation of these *excepta* to the bishop see Agnellus, *Lib. Pont. Eccl. Rav.* 60. GREGORY'S SUPPLIES OF CORN: Greg. *Ep.* I. 42, cf. I. 70, where the *rector* of the Sicilian patrimony is directed to buy corn from outside as well. GREGORY'S SUPPLIES OF TIMBER: Greg. *Ep.* IX. 124-7. BERTRAM: Pardessus, *Diplomata chartae epistolae leges ad res Gallo-Francicas spectantia*, no. 230. SHIPS OF ALEXANDRIAN CHURCH: *Chr.* I. 434 (a Nile boat), *V. Job. Eleem.* 10, 28 (sea-going ships); Gregory in *Ep.* I. 70 speaks of sending a ship to Sicily, and instructs the *rector* of the Sicilian patrimony to protect 'naves . . . quae commendatae ecclesiae sanctae semper fuerunt'.

42. LAND TRANSPORT CHARGES: *Ed. Diocl.* xvii. 3-5, cf. i. 1, for the price of wheat, and Pliny, *Hist. Nat.* xviii. 66 for its weight. Camels, it may be noted, were used even in western Europe; see Ennod. *Ep.* v. 13 for Ostrogothic Italy and Greg. Tur. *HF* vii. 35 for Merovingian Gaul. SEA TRANSPORT CHARGES: *AE* 1947, 148-9.

43. POSTUMIANUS: Sulp. Sev. *Dial.* I. 1, 3, 6. GREGORY: Greg. Naz. *de vita sua*, 124 ff. MARK: *V. Porph.* 6, 26-7, 34, 37, 55, 57.

44. Syn. *Ep.* 4.

45. Veg. iv. 39, cf. the dates given to *navicularii* in *CTh* XIII. ix. 3, 380 (1 April to 15 October). The fact that even imperial messengers did not cross from Italy to Africa during the winter months (see p. 403) shows that the seas really were closed. For the disasters which befell a cornship compelled to sail from Sardinia to Rome in winter see Paul. *Ep.* 49.

46. CORNSHIPS: Th. II, *Nov.* viii. 439 (2000 *modii*), Gaius, I. 32 (10,000 *modii* under Claudius), cf. *CTh* XIII. v. 14, 371, where the unit for remission of tax to *navicularii* is 10,000 *modii*. BELISARIUS'S FLEET: Proc. *BV* I. xi. 13. ALEXANDRIAN SHIP: *V. Job. Eleem.* 10. For the two largest ships see Joh. Moschus, 83, 190. For ancient ships see L. Casson, *TAPA* LXXXI (1950), 43-56, LXXXII (1951), 136-48.

47. THE RHINE ARMY SUPPLIED FROM BRITAIN: Amm. xviii. ii. 3, horrea quine-tiam exstrueret pro incensis ubi condi posset annona a Britannis sueta conferri, Zos. III. 5, Julian, *Ep. Ath.* 279D, Eunap. 12, Lib. Or. xviii. 83. QUAESTOR EXERCITUS: Just. *Nov.* xli, 536. THE UPPER DANUBE: *Not. Dig. Occ.* xxxv. 21-2, praefectus legionis tertiae Italicae transvectioni specierum deputatae, *CTh* XI. xvi. 15, 382, exceptis his quibus ex more Raeticus limes includitur vel expeditionis Illyricae pro necessitate vel tempore utilitas adiuvatur, 18, 390.

48. PRICE OF WHEAT AT ANTIOCH: Julian, *Misop.* 369D; see pp. 445-6 for other prices. JULIAN'S IMPORTS: Julian, *Misop.* 369AB. CAESAREA: Greg. Naz. Or. XLIII, 34-5. For civic *συνωλία* see p. 735.

49. Proc. HA xxx. 5-6, II. Joh. Lydus, *Mag.* III. 61.

50. For special vintages see above n. 1; cf. *Totius Orbis Descr.* 29, similiter aliae civitates Ascalon et Gaza in negotiis eminentes et abundantes omnibus bonis mittunt omni regioni Syriae et Aegypti vinum optimum, *V. Porph.* 58 (Egyptian wine merchants at Gaza). CAPPADOCIANS BUY SYRIAN WINE: Joh. Eph. *V. SS. Or.* viii. AFRICAN OIL EXPORTS: *Totius Orbis Descr.* 61, paene ipsa omnibus gentibus usum olei praestare potest. OIL IMPORTED AT MARSEILLES: Greg. Tur. *HF* v. 5.

51. HORTULANI OF CONSTANTINOPLE: Just. *Nov.* lxiv, 538.

52. For the pork supply of Rome see pp. 702-4. For Bertram's will see J. M. Pardessus, *Diplomata Chartae Epistolae Leges ad res Gallo-Francicas spectantia*, no. 230.

53. WOOL PRICES: *Ed. Diocl.* xxv. 1-9.

54. USE OF CURSUS PUBLICUS FOR MARBLE TRANSPORT: *CTh* VIII. v. 15, 363 (cited in n. 16); cf. Cass. *Var.* III. 10, atque ideo magnitudini tuae praesenti ammonitione declaramus, ut marmora, quae de domo Pinciana constat esse deposita, ad Ravennatem urbem per catabolenses vestra ordinatione dirigantur. TIMBER: Greg. *Ep.* IX. 124-7 (for Rome), VIII. 28, IX. 175, X. 21 (for Eulogius). Libanius's friend Severus of Lycia apparently regularly sold his timber (*Ep.* 1383, ξύλων ἡρπασμένων δ' ἦν αὐτῷ πρόσδοδος καὶ ὅθεν εἰσέφερέ τε καὶ ἅλλα διώκει). He sent some timber to Libanius at Antioch, refusing payment for it (*Ep.* 1191).

55. SALE OF MARBLE: *CTh* X. XIX. 1, 320, 8, 376, 11, 384. GREGORY'S CHAPEL: Greg. *Nyss. Ep.* 25.

56. *CTh* XIII. i. 10, 374, colonos rei privatae vel ceteros rusticanos pro speciebus, quae in eorum agris gigni solent, inquietari non oportet. eos etiam, qui manu victum rimantur aut tolerant, figulos videlicet aut fabros, alienos esse a praestationis eius molestia decernimus, ut hi tantum, qui pro mercimonio et substantia mercis ex rusticana plebe inter negotiatores sunt, sortem negotiationis agnoscant, quos in exercendis agris ingenitum iampridem studium non retinet, sed mercandis distrahendisque rebus institutum vitae et voluntatis implicuit; Lib. *Or.* XI. 230, τοῦτο μὲν κῶμαι μεγάλοι καὶ πολυάνθρωποι πόλεων οὐκ ἀλλήλων πλέον πολυανθροῦμεναι καὶ χειροτέχναις, ὥσπερ ἐν ἄστεσι, χρώμεναι, κοινοῦμεναι πρὸς ἀλλήλας <τὰ> σφῶν αὐτῶν διὰ τῶν πανηγύρεων καλοῦσαι τε ἐν μέρει παρ' αὐτὴν ἐκάστη καὶ καλοῦμεναι καὶ τοῖς αὐτοῖς εὐθυμούμεναι τε καὶ χαριζόμεναι καὶ κερδαίνουσai, ὧν μὲν περίεστι μεταδιδοῦσαι, ὧν δὲ ἐνδεῖ προσλαμβάνουσai, τὰ μὲν διατιθέμεναι, τὰ δὲ ὠνούμεναι.

57. APHRODITO: *P. Cairo*, 67283 (petition), 67288 (tax list), cf. 67110 (lease of pottery).

58. On the cloth industry in the Roman Empire see *Ec. Hist. Rev.* XIII (1960), 183-92. DOMESTIC WEAVING: Pelagius I, *Ep.* 84, viros qui forte gynaeceao utiles esse possunt concedas illis, ita tamen ut pro artificii ipsorum merito in agricolis compensetur ecclesiae; nec enim eiusdem aestimationis est artifex et ministerialis puer contra rusticum vel colonum. FLORENTIUS'S CASULA: *Aug. Civ. Dei*, XXII. viii. 9.

59. *Ed. Diocl.* xxvi, xxvii, xxviii; cf. *Totius Orbis Descr.* 31, Scythopolis igitur, Laodicia, Byblus, Tyrus, Berytus omni mundo linteamen emittunt.

60. *Ed. Diocl.* loc. cit.

61. *Ed. Diocl.* xix. 'vestis Laodicensa' and 'Norica' are noted in *Totius Orbis Descr.* 42, 57.

62. For levies of clothing see pp. 433-4.

63. ANTIOCHENES: *V. Mel.* (G) 8, (L) 8. Cf. also *P. Fouad*, 74, a letter asking the recipient to buy at Alexandria στιχάριον Ἀντιοχήσιον ἐμπλουμον ἀπὸ ὀλίγης χρήσεως ἕως τιμῆς κεραιῶν ἰ' πλέον ἔλαττον. For high-quality linen and woollen clothes see above nn. 59-61.



64. The price of raw silk is given in *Ed. Diocl.* xxiii. 1a, as 12,000 denarii a pound, sixty times that of the very best wool (*ibid.* xxv. 9) and equivalent to nearly a quarter of a pound of gold. In *Just. App.* v. the price is fixed at 15 solidi. Finished silk fabrics, especially if dyed purple, were enormously more expensive; see SHA, *Aurelianus*, 45, libra enim auri tunc libra serici fuit, and *Ed. Diocl.* xxiv. 1a, where μεταξόβλαττα is priced at 150,000 denarii per lb., three times its weight in gold. For the trade in oriental spices, perfumes, etc. see *Totius Orbis Descr.* 35 (cited in n. 80); *PSI* 1264, a list of government deliveries to Alexandria from the Thebaid, including 136 lb. pepper from Antaeopolis and 70 lb. pepper and sundry quantities of malabathrum, nard, myrrh etc. from Lycopolis sent by the ὑποδεκτῆς ἀρωματικῶν; *P. Antinoop.* 32, official receipts from Diospolis of the Thebaid, including sundry quantities εἰδῶν ἀρωματικῶν. These documents suggest that there was a government monopoly of the imported raw materials (as with silk), and they were landed on the Red Sea coast and carried across the desert to the upper Nile. GAZAN WINE: *Sid. Ap. Carm.* xvii. 15, *Cass. Var.* xii. 12, *Greg. Tur. HF* vii. 29, *Glor. Conf.* 64, *Isid. Etym.* xx. iii. 7. PEPPER AT ROME: *Zos.* v. 41; cf. *PSI* 1264, for its import.

65. For agricultural slaves see pp. 793-4; workers in the state factories, the post and the mints, nn. 21, 30 above and ch. XIII n. 62; in private industry n. 86 below; as bailiffs etc. pp. 790-1; as commercial agents, *Joh. Moschus*, 79.

66. SENATORIAL SLAVE HOUSEHOLDS: *Amm.* xiv. vi, xxviii. iv, *Joh. Chrys. Hom. in Ep.* 1 *ad Cor.* xl. 5; Olympias had fifty *cubiculariae* (*V. Olymp.* 6). ATHANASIUS: *A.C.Oec.* ii. i. 217-8; John Chrysostom (*Hom. in Hebr.* xxviii. 4) accepts two slaves as the basic minimum for a lady. LIBANIUS'S LECTURERS: *Lib. Or.* xxxi. 11. SOLDIER'S SLAVES: *CTb* vii. xxii. 2 §2, 326, i. 3, 349, xiii. 16, 406, *FIR* iii<sup>2</sup>. 135, *Sulp. Sev. V. Mart.* 2. ARISTOCRATIC HERMITS: *Greg. Nyss. V. Macr.* 968 (Basil's brother Naucratus keeps one slave), *V. Caesarii*, i. 5 (Caesarius, two years after becoming a monk, travels to Marseilles 'cum uno tantum famulo'), *Joh. Eph. V. SS. Or.* xlv (the comes Tribunus keeps two slaves).

67. PROHIBITION OF CASTRATION: *Amm.* xviii. iv. 5, horum et similium taedio iuvat veterem laudare Domitianum, qui licet patris fratrisque dissimilis memoriam nominis sui inexpressibili detestatione perfudit, tamen receptissima inclaruit lege qua minaciter interdixerat ne intra terminos iuris dictionis Romanae castraret quisquam puerum; quod ni contigisset, quis eorum ferret examina, quorum raritas difficile toleratur? *CJ* iv. xlii. 1 (Constantine), 2 (Leo), Romanae gentis homines sive in barbaro sive in Romano solo eunuchos factos nullatenus quolibet modo ad dominium cuiusdam transferri iubemus: poena gravissima statuenda adversus eos, qui hoc perpetrare ausi fuerint, tabellione videlicet, qui huiusmodi emptionis sive cuiuslibet alterius alienationis instrumenta conscripserit, et eo, qui octavam vel aliquod vectigalis causa pro his susceperit, eidem poenae subiciendo. barbarae autem gentis eunuchos extra loca nostro imperio subiecta factos cunctis negotiatoribus vel quibuscumque aliis emendi in commerciis et vendendi ubi voluerint tribuimus facultatem; *Just. Nov.* cxlii, 558. For imperial eunuchs see pp. 566 ff., for those in private households, *Amm.* xiv. vi. 17, *Jerome, V. Hilar.* 14, *Claud. in Eutrop.* i. 60 ff., *Pall. Hist. Laus.* xxxv, lxi, *CJ* xii. v. 4 (Leo), *Cyr. Scyth. V. Sabae*, 69. EUTHERIUS: *Amm.* xvi. vii. 5. ABASGI: *Proc. BG* iv. iii. 12-21, *Evagr.* iv. 22.

68. CASUALTIES IN CASTRATION: Just. *Nov.* cxlii, 558. PRICES OF EUNUCHS AND OTHER SLAVES: *CJ* VII. vii. 1, 530, ne autem quantitas servilis pretii sit incerta, sed manifesta, sancimus servi pretium sive ancillae, si nulla arte sunt imbuti, viginti solidis taxari, his videlicet, qui usque ad decimum annum suae venerunt aetatis, in decem tantummodo solidis ponendis: sin autem aliqua arte praediti sunt exceptis notariis et medicis, usque ad triginta solidos pretium eorum redigi sive in masculis sive in feminis. sin autem notarius sit vel medicus sive masculus sive femina, notarius quidem usque ad quinquaginta, medicus autem usque ad sexaginta taxetur. sin vero eunuchi sint servi communes maiores decem annis, si quidem sine arte sint, in quinquaginta solidos computentur, sin autem artifices, usque ad septuaginta: minores etenim decem annis eunuchos non amplius triginta solidis aestimari volumus; *FIR* III<sup>2</sup>. 135 (18 solidi), *Pall. Hist. Laus.* xxxvii (20 solidi), *V. Joh. Eleem.* 22 (30 solidi). AURUM TIRONICUM: *CTh* VII. xiii. 13, 397, *Symm. Ep.* VI. 64 (25 solidi, 5 lb. silver). LOWER PRICES OF SLAVES: *MGH (Scr. Rer. Mer.)* III. 339 (14 solidi), *C. Matisc.* I, can. 16 (12 solidi), *Greg. Tur. HF* III. 15 (12 solidi), *Tablettes Albertini*, II. 26 (p. 117), as interpreted by Grierson, *JRS* XLIX (1959), 73 ff. (1 solidus, 700 *folles*), *Archiv Pap.* III. 415 ff. (4 solidi). In *Lex Rom. Burg.* II. 6 the compensation for the murder of an unskilled slave (a ploughman or swineherd) is fixed at 30 solidi, but there may be a penal element in this high price. In *CJ* VI. i. 4, 317, compensation for an escaped slave is fixed at 20 solidi; the figure may well be a Justinianic interpolation.

69. For *laeti* see p. 620; for prisoners as *coloni*, ch. XX, n. 56. Some, however, of the Sciri were sold (*Soz.* IX. 5), and so were many of Radagaeus's followers (*Orosius*, VII. xxxvii. 16). OFFICERS AND THE SLAVE TRADE: *Them. Or.* x. 136b, *Amm.* XXXI. iv. 9-11. SYMMACHUS AND FLAVIAN: *Symm. Ep.* II. 78, pars hominum compendiis et quaestibus gaudent, me votiva delectat expansio. itaque avidus civicae gratiae quaestoriis filii mei sumptibus studeo aliud genus largitatis adicere, ut curulibus stabulis urbis aeternae etiam quina mancipia largiamur. et quoniam servorum per limitem facilis inventio et pretium solet esse tolerabile, quam maxime te deprecor, ut per homines strenuos viginti iuvenes praedicto negotio congruentes iubeas comparari. in quam rem . . . solidos ad te misi habita aestimatione hominum quorum non forma sed aetas et sanitas eligenda est.

70. EXPOSED CHILDREN: *CTh* V. ix. 1, 331, quicumque puerum vel puellam, proiectam de domo patris vel domini voluntate scientiaque, collegerit ac suis alimentis ad robur provexerit, eundem retineat sub eodem statu, quem apud se collectum voluerit agitare, hoc est sive filium sive servum eum esse maluerit: omni repetitionis inquietudine penitus submovenda eorum, qui servos aut liberos scientes propria voluntate domo recens natos abiecerint; 2, 412, *CJ* VIII. li. 3, 529, Just. *Nov.* cliii, 541. SANGUINOLENTI: *Fr. Vat.* 34, 313, cum profiteris te certa quantitate mancipium ex sanguine comparasse, cuius pretium te exsolvisse dicis et instrumentis esse firmatum, hoc a nobis iam olim praescriptum est, quod, si voluerit liberum suum recipere, tunc in eius locum mancipium domino dare aut pretium quo valuisset numeraret. etiam nunc, si a suis parentibus certo pretio comparasti, ius domini possidere te existimamus. nullum autem ex gentilibus liberum adprobari licet; *CTh* V. x. 1, 329 = *CJ* IV. xliii. 2, secundum statuta priorum principum si quis a sanguine infantem quoquo modo legitime comparaverit vel nutriendum putaverit, obtinendi eius servitii habeat potestatem: ita ut, si quis post seriem annorum ad libertatem eum repetat vel servum defendat, eiusdem modi alium praestet aut pretium, quod potest valere, exsolvat; *Lex Vis.* IV. iv. 3.

71. PROHIBITION OF SALE OR PLEDGE OF CHILDREN: *CJ* VIII. xvi. 6, 293, IV. x. 12, xliii. 1, 294, *CTh* III. iii. 1, 391, *Cod. Euric.* 299. Cf. *CTh* XI. xxvii. 2, 322 (children's allowances), Zos. II. 38, Lib. *Or.* XLVI. 23 (the *chrysargyron*), Val. III, *Nov.* xxxiii, 451 (the famine), Ruf. *Hist. Mon.* 16 (the tax payer), *P. Cairo*, 67023 (Martha), cf. Cass. *Var.* VIII. 33, praesto sunt pueri ac puellae diverso sexu et aetate conspicui, quos non fecit captivitas esse sub pretio, sed libertas: hos merito parentes vendunt, quoniam de ipsa famulatione proficiunt; *P. Iand.* 62 (a borrower pledges his sister ε[φ' ᾧ α]ὐτὴν πᾶσαν δουλικὴν [ἐχεν] χρεῖαν).

72. SELF SALE: *CJ* VII. xvi. 5, sed nec hoc ad praescriptionem operatur, quod venditionis tempore maior viginti annis fuit, cum aetatis adlegatio non alias possit praescriptionem adversus civem Romanum accommodare, quam is participandi pretii gratia consensum servituti dedisse probetur; xviii. 1, dispar causa est eius, qui dissimulata condicione sua distrahi se passus est, et eius, qui pretium participatus est. nam superiori quidem non denegatur libertatis defensio, posteriori autem, et si civis Romanus sit et participatus est pretia, libertas denegatur; *Cod. Euric.* 300, Pall. *Hist. Laus.* xxxvii, *V. Joh. Eleem.* 22.

73. REDEMPTION OF CAPTIVES BY THE CHURCH: *CJ* I. ii. 21, 529, Just. *Nov.* vii §8, 535, CXX §10, 544, cf. *Nov.* lxxv, 538, CXX §9, 544, for the churches of Moesia; for actual examples see for instance Amb. *Off.* II. 136-9, Soc. VII. 21, Victor Vit. I. 25. POSTLIMINIUM: *CJ* VIII. I. 2, 6, 7, 8, 15, 17 (Diocletian), *CTh* V. vii. 2, 408 (S), diversarum homines provinciarum cuiuslibet sexus condicionis aetatis, quos barbarica feritas captiva necessitate transduxerat, invitos nemo retineat, sed ad propria redire cupientibus libera sit facultas. quibus si quicquam in usum vestium vel alimoniae impensum est, humanitati sit praestitum, nec maneat victualis sumptus repetitio: exceptis his, quos barbaris vendentibus emptos esse docebitur, a quibus status sui pretium propter utilitatem publicam emptoribus aequum est redhiberi. ne quando enim damni consideratio in tali necessitate positus negari faciat emptionem, decet redemptos aut datum pro se pretium emptoribus restituere aut labore obsequio vel opere quinquennii vicem referre beneficii, habituros incolumem, si in ea nati sunt, libertatem. MARIA: Theod. *Ep.* (PG) 70.

74. INDENTURES: *P. Oxy.* 1122, *P. Reinach*, 103, *Sb* 4490, 4739, *P. Strass.* 40.

75. The eunuchs Eutherius and Eutropius were sold by merchants; Amm. XVI. vii. 5, natus in Armenia sanguine libero captusque a finitimis hostibus etiam tum parvulus abstractis geminis Romanis mercatoribus venundatus ad palatium Constantini deducitur; Claudian, in *Eutrop.* I. 58-9, inde per Assyriae trahitur commercia ripae; hinc fora venalis Galata ductore frequentat (Galata was evidently a slang term for a slave dealer, cf. Amm. XXII. vii. 8, illis enim sufficere mercatores Galatas, per quos ubique sine condicionis discrimine venundantur); for Atalous and Maria see *Archiv. Pap.* III. 415 ff., Theod. *Ep.* (PG), 70. JEWISH SLAVE MERCHANTS: Greg. *Ep.* IX. 104.

76. VILLAGE FAIRS: Theod. *Hist. Rel.* vii (Immae), Cass. *Var.* VIII. 33 (Consilinum), *OGI* 262 (Baetocaece, third century), cf. Lib. *Or.* XI. 230 (cited in n. 56), *CJ* IV. lx. 1, qui exercendorum mercatum aut nundinarum licentiam vel veterum indulto vel nostra auctoritate meruerunt, ita beneficio rescripti potiantur, ut nullum in mercatibus atque nundinis ex negotiatorum mercibus convenient, vel in venaliis aut locorum temporali quaestu et commodo privata exactione sectentur, vel sub praetextu privati debiti aliquam ibidem concurrentibus molestiam possint inferre. APOLLONIUS: Pall. *Hist. Laus.* xiii.

77. WINE MERCHANT: *P. Cairo*, 67283. ABRAHAM: Theod. *Hist. Rel.* xvii. CARRIERS: *Lib. Or.* l. 4, *CJ* xii. l. 22 (Leo), animalium dominis qui ea solent accepta mercede locare.

78. For corn merchants see above n. 40, and for Caesarea, Greg. *Naz. Or.* xliii. 34.

79. CONSTANTINOPLE: *Them. Or.* iv. 61a. ANTIOCH: *Lib. Or.* xi. 20 (wine and oil), 263-4 (imports), cf. *Not. Dig. Or.* xi. 21-2, *CTh* x. xxii. 1, 374, for the two arms factories, and *V. Mel.* 8, for cheap Antiochene clothes.

80. ALEXANDRIA: SHA, *Saturninus*, 8, civitas opulenta, dives, fecunda, in qua nemo vivat otiosus. alii vitrum conflant, alii charta conficitur, omnes certe linyphiones aut cuiuscumque artis esse videntur et habentur; *Totius Orbis Descr.* 35-6, haec cum Indis et barbaris negotia gerit merito; aromata et diversas species pretiosas omnibus regionibus mittit. sed et in hoc valde laudanda est quod omni mundo sola chartas emittit, quam speciem licet vilem sed nimis utilem et necessariam in nulla provincia nisi tantum apud Alexandriam invenies abundare.

81. For corvées see above n. 38. For the grant of such corvée labour to the church, see Constantine's letter to Macarius, bishop of Jerusalem, on the building of the Church of the Holy Sepulchre (*Eus. V. Const.* iii. 31, καὶ περὶ μὲν τῆς τῶν τοίχων ἐγέρσεώς τε καὶ καλλιεργίας Δρακιλιανῷ τῷ ἡμετέρῳ φίλῳ, τῷ διέποντι τὰ τῶν ἐπαρχιῶν μέρη, καὶ τῷ τῆς ἐπαρχίας ἀρχοντι, παρ' ἡμῶν τὴν φροντίδα ἐγκεχειρισθαι γίνωσκε. κεκέλευται γὰρ ὑπὸ τῆς ἐμῆς εὐσεβείας, καὶ τεχνίτας καὶ ἐργάτας, καὶ πάνθ' ἅπερ εἰς οἰκοδομὴν ἀναγκαῖα τυγχάνειν παρὰ τῆς σῆς καταμάθοιεν ἀγχινοίας, παραχρῆμα διὰ τῆς ἐκείνων προνοίας ἀποσταλῆναι.) BUILDING LABOUR: *Joh. Moschus*, 37 (the bishop), 134 (a monk). ISAUURIANS: *V. Sym. Iun.* 201, πλήσιον τῆς Ἀντιόχου ἐν τῇ λεγομένῃ Ἀπάτῃ Ἰσαύρων ἐργαστήριον ἦν χειροτεχνούντων ἐν ταῖς οἰκοδομίαις καὶ λατομίαις τῶν τῆς πόλεως τέλεων, Theophanes, A.M. 6051 (Isaurians working at St. Sophia at Constantinople).

82. DARA: *Zach. Myt. Chron.* vii. 6. LABOURERS IN EGYPT: *V. Dan. Scet.* 9, *V. Job. Elem.* 36. THE MONK: *Joh. Moschus*, 134. A *colonus* of the Roman church who had worked three years on building a house was paid only 14½ solidi in all; but he complained that he had been bilked (*Greg. Ep.* ix. 43).

83. For the *chrysargyron* see pp. 431-2. CORVÉES: *Maj. Nov.* vii §3, 458, quibus illud provisio nostrae serenitatis adiungit, ut collegiatis operas patriae alternis vicibus pro curialium dispositione praebentibus extra territorium civitatis suae habitare non liceat; cf. *CTh* xii. xix. 1, 400, destitutae ministeriis civitates splendorem, quo pridem nituerant, amiserunt; plurimi siquidem collegiati cultum urbium deserentes agrestem vitam secuti in secreta sese et devia contulerunt; xiv. xxvii. 2, 436 (Alexandria), *Lib. Or.* xlvi. 21 (Antioch). FABRI, CENTONARII AND DENDROPHORI: *CTh* xiv. viii. 1, 315.

84. CURSUS PUBLICUS: *CTh* xi. x. 1, 369, operarum praebitionem, quae illicite a provincialibus hactenus expetita est, sinceritas tua cessare praecipiat. nullum autem, qui caupona vel propola vel tabernaria lucrum familiare sectetur, cum animalia, quibus prosecutio debeat, advenerint, si collegiati numero impares videbuntur, ab hoc obsequio esse patiat. melius enim est, ut otiosorum sit ista sedulitas, quam ipsas quoque perdat urbes tristic abductio rusticorum; *Lib. Or.* xlvi. 19; *Chr.* i. 405, (ἀλιαδίτου ἥτοι γραμματηφόρου τοῦ δξέως δρόμου), 437 (ὀνηλάται of the δξὺς δρόμος), 46 (ἔθος ἐστὶν τοῦ παρασχεθῆναι πρὸς [ὑπ']ηρεσίαν

τοῦ αὐτοῦ δημοσίου πλοίου [ἐκ] τῆς πόλεως ναύτην ἓνα. πολλάκις τοίνυν διεστιλάμην Εὐστοχίῳ συστά[τῃ] τῆς νυνὶ λειτουργούσης φυλῆς ὥστε ναύτην παρασχεῖν ὑπὲρ τοῦ ἐνεστώτος] ἐνιαυτοῦ).

85. For declarations by guilds see ch. XIX, n. 52. THE BUILDERS OF SARDIS: IGC 322. ZENO'S LAW: *CJ* IV. lix. 2, 483. For the bakers of Antioch see p. 735.

86. THALASSIUS'S FACTORY: *Lib. Or.* XLII. 21, καὶ μαχαίρων δὴ τινων ἐμέμνητο καὶ τούτων ὄνομα περιῆπτε καὶ τὴν ἐκβολὴν ἐντεῦθεν ἐποιεῖτο. ὁ δὲ μαχαίρας μὲν οὐδεπώποτε εἰργάσατο, οὐδ' ἔμαθε τὴν τέχνην, οὐδ' εἶχεν, ἀλλ' οὐδὲ ὁ πατὴρ οὐδέτερον. οἰκέται δὲ ἦσαν αὐτῷ ταῦτα ἐπιστάμενοι, καθάπερ Δημοσθένης τῷ Δημοσθένους πατρὶ. καὶ οὐδὲν ἐκώλυσε τὸν υἱὸν Δημοσθένους τὸν Δημοσθένη τὸ εἶναι τοιοῦτους αὐτοῖς οἰκέτας οὔτε προστῆναι τῶν Ἑλληνικῶν πράξεων οὔτε ῥύσασθαι πόλεις οὔτε ἀντιτάξασθαι πρὸς τὴν Φιλίππου καὶ ῥώμην καὶ τύχην οὐτ' αἷτιον γενέσθαι τῇ πόλει στεφάνων καὶ κρηγυμάτων ἀπολαῦσαι. εἶχον δὲ οὐ δεσπότης τῶν ἐν ταῖς τέχναις Ἀθηναίων τινὰς μόνον λέγειν, ἀλλὰ καὶ αὐ τοὺς ἀπὸ τεχνῶν ἦγοντας ἰσχύσαντας. THE MOESIAN CITIES: *CTh* XII. i. 96, 383, concessum curialibus provinciae Mysiae, ut, si quos e plebe idoneos habent, ad decurionatus munia devocent, ne personae famulantium facultate locupletes onera, pro quibus patrimonialia requiruntur, obscuritate nominis vilioris evadant.

87. CAECILIANUS: *Opt. App.* ii.

88. It is clear from *CTh* XII. i. 50, 362, et ab auri atque argenti praestatione, quod negotiatoribus indicitur, curiae immunes sint, nisi forte decurionem aliquid mercari constiterit, and from law 96 (cited in n. 86) that *negotiatores* were not normally decurions; they were only liable to become so if they bought land (*CTh* XII. i. 72, 370). In *CTh* XVI. v. 52, 412, they are classed between decurions and *plebeii*. SHOPS AND STALLS AT ANTIOCH: *Lib. Or.* XXXIII. 35ff., XXVI. 20-21.

89. JOHN OF LYCOPOLIS: *Pall. Hist. Laus.* XXXV. APPRENTICESHIPS AND CONTRACTS OF SERVICE: *PSI* 287, *P. Aberdeen*, 59, *P. Lond.* 1706, *P. Iand.* 43, *P. Cairo*, 67305, *SPP* XX. 219, *Sb* 4503, 9456, ἐπειδὴ ἔσχον σὲ εἰς τὸ ἐμὸν ἐργαστήριον ἐν τάξει μισθίου καὶ ἀναχωρήσαντος σοῦ τῆς πρὸς ἐμὲ παραμονῆς. PAUL AND THE BUILDERS: *P. RyI.* 654.

90. For these laws see ch. XIX, n. 112.

91. The story is told in *Proc. HA* xxv. 13-26. For my interpretation of it, see *Ec. Hist. Rev.* XIII (1960), 191-2.

92. WOOL PRICES: *Ed. Diocl.* XXV. 1-9. FLAX PRICES: *Ed. Diocl.* XXVI. 4-12. It is perhaps significant that the edict gives wage rates for spinners only for silk and purple wool (XXIV. 14-6) and puts the wages of silk weavers and of weavers of fine wool fabrics in the same section (XX. 9-11, 12-3). CAECILIANUS: *Opt. App.* ii. THE WEAVER OF APHRODITO: *P. Cairo*, 67116.

93. IMMUNITIES OF SKILLED CRAFTS: *CTh* XIII. iv. 2, 337 = *CJ* X. lxvi. 1. GERONTIUS THE WOOD CARVER: *Theod. Ep.* (Azema) 38. GREGORY AND THE BUILDERS: *Greg. Nyss. Ep.* 25.

94. THE GOLDSMITH'S APPRENTICE: *Joh. Moschus*, 200. THE JERUSALEM SILVERSMITH: *Cyr. Scyth. V. Sabae*, 78. SILVERSMITHS ETC. FORBIDDEN TO BE COHORTALES: *CJ* XII. lvii. 12, 436, sed etiam cunctos, qui diversarum rerum negotiationibus detinentur, trapezitas scilicet vel gemmarum argentique

vestiumve venditores, apothecarios etiam ceterosque institores aliarum mercium quibuscumque ergasteriis adhaerentes iubemus a provincialibus officiis removeri, ut omnis honor atque militia contagione huiusmodi segregetur.

95. THE ARGENTARII OF CONSTANTINOPLE: *CJ* VIII. xiii. 27, 528, XII. xxxiv. 1 (528-9), Just. *Nov.* cxxxvi, 535, *Ed.* vii, 542, ix. For saleable offices see pp. 572, 574, 576-7. FLAVIUS ANASTASIUS: *P. Cairo*, 67126.

96. ARLES: *MGH (Ep.)*, III. 14, ac plane praeter necessitates publicas etiam humanae ipsi conversationi non parum credimus commoditatis accedere, quod in Constantina urbe iubemus annis singulis esse concilium. tanta enim loci opportunitas, tanta est copia commerciorum, tanta illic frequentia commearum ut quicquid usquam nascitur illic commodius distrahatur; neque enim ulla provincia ita peculiari fructus sui felicitate laetatur ut non haec propria Arelatensis soli credatur esse fecunditas. quidquid enim dives Oriens, quidquid odoratus Arabs, quidquid delicatus Assyrius, quod Africa fertilis, quod speciosa Hispania, quod fortis Gallia potuit habere praeclarum, ita illic adfatim exuberat quasi ibi nascantur omnia quae ubique constat esse magnifica. ALEXANDRIA: *V. Job. Eleem.* 27.

97. For clothing merchants who aspired to be *cobortales*, see above n. 94. AURELIUS PSATES: *P. Paris*, 20, 21, 21 bis, 21 ter., *Sb* 4503-5. The *metaxarii* of Constantinople, like the *argentarii*, bought *militiae* (*CJ* VIII. xiii. 27, 528).

98. PROCOPIUS'S FRIEND: *Proc. BV* I. xiv. 7. PETER OF ALEXANDRIA: *ILS* 7564. GEORGE OF ANTIOCH: *P. Ital.* 4-5.

99. PANTOPOLAE: *Val.* III, *Nov.* v, 440. ORIENTALS AT RAVENNA: *Sid. Ap. Ep.* I. 8, *P. Ital.* 16 (Marinus), 20 (John the Syrian), *P. Dip.* 114 (Julian the *argentarius*), 121 (Peter).

100. ORIENTALS IN GAUL: *Greg. Tur. HF* VIII. 1 (Orleans), VII. 31 (Euphronius), X. 26 (Eusebius), VI. 5 (Priscus). Salvian (*Gub. Dei*, IV. 69) mentions Syrian traders in Gaul at an earlier date.

101. VETERAN AND CLERICAL TRADERS: *CTh* XIII. i. 11, 379, 13, 383 (S). THE GREEK MERCHANT OF VIMINACIUM: *Priscus*, 8 (p. 86). ANTONINUS: *Amm.* XVIII. v. 1. ELIAS AND THEODORE: *Joh. Eph. V. SS. Or.* xxxi.

102. FLEET OF THE ALEXANDRIAN CHURCH: *V. Job. Eleem.* 28; that persons of influence (*potiores*) endeavoured to secure exemption for their ships from compulsory charter by the government on the score of their *dignitates*, and that humble persons sought their patronage and affixed their *tituli* to their ships, appears from *CTh* XIII. vii. 1, 399, cunctis per Aegyptum intimetur viginti librarum auri multae esse subdendos eos, qui naves suo nomine vel defensione a transvectionibus publicis excusare temptaverint, publica iactura navium quoque dominis feriendis, qui neglectis necessitatibus publicis potiorum voluerunt patrociniis excusari; 2, 406, multi naves suas diversorum nominibus et titulis tuentur. cui fraudi obviantes praecipimus, ut, si quis ad evitacionem publicae necessitatis titulum crediderit adponendum, sciat navem esse fisco sociandam; *Th.* II, *Nov.* viii, 439, ideo calcatam legem, quae de navigiis non excusandis olim fuerat promulgata, suggestione tuae sublimitatis edocti humanis sensibus saluberrima repetere scita compellimur ac iubemus, nullam navem ultra duorum milium modiorum capacitatem ante felicem embolam vel publicarum specierum transvectionem aut privilegio dignitatis aut religionis

intuitu aut praerogativa personae publicis utilitatibus excusari posse subtractam; this last law implies that churches commonly owned ships. The relations between the *magister navis* and the owner (*dominus*) or *exercitor* (the man who chartered a ship from the owner and operated it at his own risk) are set out in *Dig.* xiv. i; cf. *CJ* iv. xxv. 4, 293. For the merchant who entrusted his ship to his brother see *V. Job. Eleem.* 26.

103. For the rules of average see *Dig.* xiv. ii, de lege Rhodia de iactu. HILARION: Jerome, *V. Hilar.* 35. THE JEWEL MERCHANT: Joh. Moschus, 203.

104. THE FAIR OF AEGAE: *Itin. Hier., Theodosius* 32, in provincia Cilicia Aegea dicitur civitas, ubi XL dies commercia geruntur et nemo de eis aliquid requirit; si post XL dies inventus fuerit negotium gerere, fiscalia reddit; Theod. *Ep.* (PG) 70. Similar merchants' fairs are recorded at Batnae (Amm. xiv. iii. 3, Batnae municipium in Anthemusia conditum Macedonum manu priscorum ab Euphrate flumine brevi spatio disparatur, refertum mercatoribus opulentis, ubi annua sollemnitate prope Septembris initium mensis ad nundinas magna promiscuae fortunae convenit multitudo ad commercanda quae Indi mittunt et Seres aliaque plurima vehi terra marique consueta) and Edessa (Greg. Tur. *Glor. Mart.* 32, in supradicta igitur urbe, in qua beatos artus diximus tumulatos, adveniente festivitate, magnus adgregatur populorum coetus, ac de diversis regionibus cum votis negotiisque venientes, vendendi comparandique per triginta dies sine ulla thelonei exactione licentia datur).

105. THE ATHENIAN MERCHANT: Syn. *Ep.* 52. JACOB THE JEW: *Doctrina Jacobi*, v. 20.

106. W. Ashburner, *The Rhodian Sea Law* (Oxford, 1909), II, 16, εἶναι τὴν χιλιάδα τοῦ μοδισμοῦ χρυσίων πεντήκοντα μετὰ πάσης τῆς ἐξαρχίας αὐτοῦ καὶ εἰς συμβολὴν ἐρχέσθω, τοῦ δὲ πλοίου τοῦ παλαιοῦ χρυσίων τριάκοντα, cf. the commentary on pp. 63-5.

107. NAUTICUM FOENUS: *Dig.* xxii. ii; *CJ* iv. xxxiii. 2, 286, traiectionem pecuniam, quae periculo creditoris datur, tamdiu liberam esse ab observatione communium usurarum, quamdiu navis ad portum appulerit, manifestum est; 3, 286, cum dicas pecuniam te ea lege dedisse, ut in sacra urbe tibi restitueretur, nec incertum periculum, quod ex navigatione maris metui solet, ad te pertinuisse profiteris, non dubium est pecuniae creditae ultra licitum te usuras exigere non posse. JUSTINIAN'S RULE: *CJ* iv. xxxii. 26 §2, 528.

108. Just. *Nov.* cvi, 540, cx, 541. Pope Gregory (*Ep.* ix. 108) describes an obscure transaction, which looks like an evasion of Justinian's law. The passage runs: Maurus praesentium portitor in quadringentis se solidis quasdam merces a Felice viro magnifico asserit suscepisse atque promississe sex siliquas per solidum lucri causa persolvere pretii; qua lucri quantitate in uno congesta duas se cautiones, id est unam de quadringentis quinquaginta et alteram de quinquaginta solidis, emisisse spondens certo tempore quod debeat exsolvere. sed quia, ut perhibet, in eisdem mercibus passus est non leve dispendium et restitutis quadringentis decem solidis, quod reliquum lucri est, implere compellitur atque ex hoc maiori se necessitati ac potius desperationi ingemit subiacere et propterea aliquo sibi subveniri petit auxilio. I interpret this as meaning that Maurus borrowed 400 solidi from Felix (a wealthy landowner, see *Ep.* ix. 41-2, 90-1) to buy a cargo, and entered into bonds to repay him 500 solidi (concealed interest at 25 per cent.); he had not apparently suffered shipwreck but merely done badly on his venture.

109. Joh. Moschus, 186 (Tyre), 189 (Ascalon).

110. THE POOR ALEXANDRIAN: Joh. Moschus, 75. JOHN AND THE SHIPPER: *V. Job. Eleem.* 10.

111. *V. Job. Eleem.* 26.

112. Joh. Moschus, 193.

113. Pall. *Hist. Laus.* xiv; Ruf. *Hist. Mon.* 16.

114. *CJ* iv. lxiii. 3 (408-9), nobiliores natalibus et honorum luce conspicuos et patrimonio ditiores perniciosum urbibus mercimonium exercere prohibemus, ut inter plebeium et negotiatorem facilius sit emendi vendendique commercium; cf. also *CTb* xiii. i. 5, 364, potiorum quoque homines vel potiores ipsos, si tamen his mercandi cura est, ad necessitatem pensitationis adhibeas, praesertim cum potiorum quisque aut miscere se negotiationi non debeat aut pensitationem debeat, quod honestas postulat, primus agnoscere.

115. On the *collatio lustralis* see pp. 431-2.

116. Lib. *Or.* XLVI. 22-3.

117. *CTb* xiii. i. 20, 410, functiones, quas conferentium frequentia extenuata debilitat, ad stabilitatem revocandae sunt, ut, quod simul et sub una conventionione petebatur, sub parva ac minima contributione absque consensu conferentium praebeatur. hoc in lustralis auri conlatione in perpetuum decernimus observari, illud videlicet praecaventis, ne quis a nostra clementia vectigal huiusmodi audeat postulare. For the Egyptian guild see *PSI* 1265.

118. Zos. II. 38.

119. See p. 465.

## XXII. THE CHURCH (pp. 873-5)

The most useful and comprehensive book of which I know on the organisation and discipline of the church is Joseph Bingham, *The Antiquities of the Christian Church*, London, 1726.

1. *A.C.Oec.* i. i. pars vii. 118-22. Cf. Innocent, *Ep.* 24, for earlier claims by Antioch over Cyprus.

2. For the powers of bishops see W. Telfer, *The office of a bishop*, London, 1962.

3. For the election of bishops see below pp. 914 ff., and for provincial councils, n. 15.

4. THEODORE OF MOPSUESTIA: H. B. Swete, *Theodori Episcopi Mopsuestiae in Epistulas B. Pauli Commentarii*, II. 124-5. SCYTHIA: Soz. VII. 19, ἀμέλει Σκύθαι πολλὰ πόλεις ὄντες ἓνα πάντες ἐπίσκοπον ἔχουσι, *CJ* I. iii. 35 §2 (Zeno), ταῦτα δὲ γενικῶς διατάξαντες καὶ εἰς νοὺν εἰληφότες τὴν κατάστασιν τῶν ἀγνωστῶν ἐκκλησιῶν



τῶν διακειμένων ὑπὸ Τόμῳ τῆς τῶν Σκυθῶν ἐπαρχίας καὶ ὅτι οὐκ ἐγχωρεῖ τὰς αὐτὰς ἀγιωτάτας ἐκκλησίας συνέχεσι βαρβάρων ἐπιδρομαῖς καταβλαπτομένας ἢ καὶ ἄλλως πως πενία συζώσας ἐτέρως διασώζεσθαι, εἰ μὴ διὰ τῆς τοῦ θεοφιλοῦς ἐπισκόπου Τόμεως, ἥτις ἐστὶ καὶ τοῦ ἔθνους μητρόπολις, τυγχάνοιεν προμηθείας, θεσπίζομεν ὑπεξαυρεῖσθαι τῆς παρούσης θέας νομοθεσίας καὶ μηδαμῶς αὐτὰς ὑπάγεσθαι τῇ ταύτης ἀνάγκῃ, ἀλλ' ἐπὶ τοῦ οἴκελου σχήματος μένειν.

5. GREGORY THAUMATURGUS: Basil, *de spiritu sancto*, 74. CANON AGAINST BISHOPS OF SMALL CITIES: *C. Sard.* can. 6, μὴ ἐξεῖναι δὲ ἀπλῶς καθιστᾶν ἐπίσκοπον ἐν κώμῃ τινὶ ἢ βραχεῖα πόλει, ἢ τινι καὶ εἰς μόνος πρεσβύτερος ἐπαρκεῖ· οὐκ ἀναγκαῖον γὰρ ἐπισκόπους ἐκεῖσε καθίστασθαι, ἵνα μὴ κατεντελλῇται τὸ τοῦ ἐπισκόπου ὄνομα καὶ ἡ αὐθεντία. ἀλλ' οἱ τῆς ἐπαρχίας, ὡς προεῖπον, ἐπίσκοποι ἐν ταύταις ταῖς πόλεσι καθιστᾶν ἐπισκόπους ὀφείλουσιν, ἐνθα καὶ πρότερον ἐτύγχανον γεγονότες ἐπίσκοποι· εἰ δὲ εὐρίσκοντο οὕτω πληθύνουσά τις ἐν πολλῇ ἀριθμῷ λαοῦ πόλις, ὡς ἀξίαν αὐτὴν καὶ ἐπισκοπῆς νομίζεσθαι, λαμβανέτω; Leo, *Ep.* 12 §10.

6. EUROPE: *A.C.Oec.* i. i. pars vii. 122, ἔθος ἐκράτησεν ἀρχαῖον ἐπὶ τῆς Εὐρωπαϊκῶν ἐπαρχίας ἕκαστον τῶν ἐπισκόπων καὶ δύο καὶ τρεῖς ἔχειν ὑφ' ἐαυτὸν πόλεις, ὅθεν ὁ μὲν τῆς Ἡρακλείας ἐπίσκοπος ἔχει τὴν τε Ἡράκλειαν καὶ τὸ Πάνιον καὶ Ὀρνός καὶ Γάνον, τέσσαρας πόλεις τὸν ἀριθμὸν, ὁ δὲ τῆς Βύζης ἐπίσκοπος ἔχει τὴν τε Βύζην καὶ Ἀρχαδιούπολιν, ὁ δὲ Κολίων ὁμοίως ἔχει τὴν τε Κοῖλα καὶ Καλλίπολιν, ὁ δὲ Σανσαδίας ἐπίσκοπος ἔχει τὴν τε Σανσαδίαν καὶ Ἀφροδισιάδα. MITYLENE: Hierocles, 686. 5-9, *A.C.Oec.* ii. i. 450, ἐπίσκοπος Αἰέσβου Τενέδου Ποροσελήνης Αἰγιαλῶν. MAREOTES: *Soc.* i. 27, *Ath. Apol. c. Ar.* 85, ὁ Μαρεώτης, καθὰ προεῖπον, χώρα τῆς Ἀλεξανδρείας ἐστὶ, καὶ οὐδέποτε ἐν τῇ χώρᾳ γέγονεν ἐπίσκοπος οὐδὲ χωρεπίσκοπος, ἀλλὰ τῷ τῆς Ἀλεξανδρείας ἐπισκόπῳ αἱ ἐκκλησίαι πάσης τῆς χώρας ὑποκείνται. ἕκαστος δὲ τῶν πρεσβυτέρων ἔχει τὰς ἰδίας κώμας μεγίστας, καὶ ἀριθμῷ δέκα πον καὶ πλέονας; that Mareotes was legally a city is proved by the official letter quoted in the same chapter (ἐπιστολὴ τοῦ καθολικοῦ. Φλάουιος Ἡμέριος ἐξάκτορι Μαρεώτου χάριεν), which shows that it had an *exactor civitatis*; it is also listed as a city in Georgius Cyprius, 725. HIPPO: Aug. *de cura gerenda pro mortuis*, 15. Cf. Hilarus, *Ep.* 14, cum ecclesia illius municipii in qua ante fuerat ordinatus semper huius civitatis (sc. Barcino) ecclesiae fuisse dioecesis constet.

7. NEWLY FOUNDED CITIES: *C. Chalc.* can. 17 (*A.C.Oec.* ii. i. 357), εἰ δὲ τις ἐκ βασιλικῆς ἐξουσίας ἐκαινίσθῃ πόλις ἢ αὐθις καινισθῇ, τοῖς πολιτικοῖς καὶ δημοσίοις τύποις καὶ τῶν ἐκκλησιαστικῶν παροικιῶν ἢ τάξιν ἀκολουθεῖτω. ANTARADUS: *Soz.* ii. 5, *Eus. V. Const.* iv. 39, Hierocles, 716, 5-7, *A.C.Oec.* ii. v. 44, episcopus Aradi et Constantiae. TERMESSUS: Hierocles, 680, 1-2, *A.C.Oec.* i. i. pars ii. 63, pars vii. 114, ἐπίσκοπος πόλεως Τερμησοῦ καὶ Εὐδοκιάδος, ii. i. 146, ἐπίσκοπος τῆς κατὰ Τερμισσὸν καὶ Εὐδοκιάδα καὶ Ἰοβίαν ἀγίας τοῦ Θεοῦ ἐκκλησίας; by 458 Termessus and Eudocias were separate bishoprics (*A.C.Oec.* ii. v. 60). ISAURA: *CJ* i. iii. 35 §3 (Zeno), κατὰ δὲ τὸν αὐτὸν τρόπον ὑπεξαυρεῖσθαι τῶν ἐπὶ τοῦ παρόντος νενομοθετημένων βουλόμεθα καὶ τὴν ἐναγχος πολιτισθεῖσαν κατὰ τὸ Ἰσαύρων ἔθνος πρὸς τιμὴν καὶ θεραπείαν τοῦ καλλινίκου μάγυρος Κόνωνος πόλιν, τουτέστι τὴν Λεοντοπολιτῶν, ὥστε καὶ αὐτὴν, ὥσπερ νῦν ἔχει σχήματος, διαμένειν διὰ τὸ (πολλῶν σφόδρα φιλονεικηθέντων, εἴτε αὐτὴν προσήκει ἰδιαζόντως τυχεῖν ἐπισκόπου, εἴτε ὑπὸ τὴν φροντίδα καὶ προνοίαν τοῦ θεοφιλεστάτου ἐπισκόπου τῆς Ἰσανροπόλεως συντελεῖν) δεδόχθαι πόλιν μὲν αὐτὴν εἶναι καὶ τῶν πολιτικῶν ἀνελλιπῶς καὶ εἰς πλήρες ἀπολαβεῖν δικαίων, ὑπὸ δὲ τὴν φροντίδα τοῦ μνημονευθέντος ἐπισκόπου διὰ παντὸς διαμένειν. GAZA: *Soz.* ii. 5, v. 3, ἐπεὶ δὲ εἰς τὴν βασιλείαν παρῆλθεν Ἰουλιανός, δικὴν ἔλαχον οἱ Γαζαῖοι τοῖς Κωνσταντινεῦσι. καὶ δικαστῆς καθίσας αὐτός, προσένευε Γάζῃ τὴν Κωνσταντίαν, ἀμφὶ τοὺς εἰκοσι σταδίους διεστῶσαν. καὶ τὸ ἐξ ἐκείνου τῆς προτέρας ἀφαιρεθεῖσα προσηγορίας, παραθαλάττιον μέρος τῆς

Γαζαίων πόλεως ὀνομάζεται. κοινοὶ δὲ αὐτοῖς πολιτικοὶ ἄρχοντες, καὶ στρατηγοὶ καὶ τὰ δημόσια πράγματα. μόνᾳ δὲ τὰ περὶ τὴν ἐκκλησίαν εἰσέτι καὶ νῦν δύο πόλεις δεῖκνυσιν. ἑκατέρᾳ γὰρ ἰδίᾳ ἐπίσκοπον καὶ κλῆρον ἔχει, καὶ πανηγύρεις μαρτύρων, καὶ μνείας τῶν παρ' αὐτοῖς γενομένων ἱερέων, καὶ θρόνους τῶν περὶ ἀγρῶν, οἷς τὰ ἀνήκοντα ἑκατέρᾳ ἐπισκοπῇ θυσιαστήρια διορίζεται. τῶν οὖν καθ' ἡμᾶς ἐπισκόπων τις τῆς Γαζαίων πόλεως, τετελενηκότος τοῦ προεστώτος τῆς Μαῖουμητῶν ἐκκλησίας, ἐσπούδασεν ἀμφοτέρους τοὺς κλήρους ὑφ' ἑαυτὸν ποιῆσαι, μὴ θεμιτὸν εἶναι λέγων, μᾶς πόλεως δύο ἐπισκόπους προεστάναι. ἀντειπόντων δὲ τῶν Μαῖουμητῶν, διέγνω ἡ τοῦ ἔθνους σύνοδος, καὶ ἕτερον ἐχειροτόνησεν ἐπίσκοπον.

8. In Africa new bishoprics seem to have been regularly created as the Christian communities increased (*C. Carth.* II. 5, III. 42, 46, *Cod. Can. Eccl. Afr.* 98). MAREOTES: *Ath. Apol. c. Ar.* 37, 85, *Soc.* II. 20. CITIES OF EUROPE: *A.C.Oec.* I. i. pars vii. 122-3. TENEDOS: *A.C.Oec.* I. i. pars vii. 137-8. ZENO'S LAW: *CJ* I. iii. 35. It is only possible to test the correspondence of cities and bishoprics if we possess both civil and ecclesiastical provincial lists which are contemporary and reliable. These conditions exist only for the patriarchate of Antioch where we have on the one hand Hierocles and Georgius Cyprius and on the other the sixth century *Notitia Antiochena* (published by Honigsmann in *Byz. Zeitschr.* XVIII (1925), 60 ff. and defended by him as a genuine sixth century document in *Traditio* V (1947), 151 ff.). This shows two cities, Nicopolis and Dium, which are not bishoprics. I have endeavoured to work out as far as possible the correspondence of cities and bishoprics in the Eastern provinces in *CERP*, pp. 381-2, 402, 407, 410, 418, 429, 434, 440, 445, 459, 466, 468, 483-4, 486-7, 489. In the West we possess a civil register for Gaul only: there is no early *notitia* of bishoprics, but in *Les Fastes Episcopaux de l'ancienne Gaule* Duchesne has worked out a fairly complete list from signatures at councils and other sources.

9. CAESAREA OF CAPPADOCIA: *CERP*, p. 186. NICAEEA: *A.C.Oec.* II. i. 418, ἐγὼ δὲ δείκνυμι Βασιλειουπόλιν αἰεὶ ὑπὸ Νίκαιαν γενομένην καὶ γὰρ θεγεῶν ἦν αὐτῆς . . . ὥσπερ Ταττιάος καὶ Δωρίς θεγεῶνές εἰσαν ὑπὸ τὴν Νίκαιαν, οὕτως ἦν πρὸ τούτου καὶ Βασιλειουπόλις ὑπὸ τὴν Νίκαιαν. HELEARCHIA: *PG* XXVI. 808, Ἀγαθὸς Φραγόνεως καὶ μέρους Ἐλεαρχίας τῆς Αἰγύπτου, Ἀμμώνιος Παχνεμονέως καὶ τοῦ λοιποῦ μέρους τῆς Ἐλεαρχίας, *A.C.Oec.* I. i. pars ii. 7, 27, 60, etc. The four *regiones* of Jericho, Amathus, Livias and Gadara were all represented at the council of Jerusalem in 536 (Mansi, VIII. 1171-6) and the *saltus* of Gerara at Chalcedon (*A.C.Oec.* II. i. 58, etc.). At Chalcedon there were also bishops of the *regiones* of Laganian, Mnizus, Trocnades and Paralus (*A.C.Oec.* II. i. 59-60), while the *saltus* of Eragiza and the *clima* of Iabruda are recorded in the *Notitia Antiochena*. VILLAGE BISHOPRICS IN ARABIA: *Soz.* VII. 19, ἐν ἄλλοις δὲ ἔθνεσιν ἐστὶν ὅπῃ καὶ ἐν κόμῃσι ἐπίσκοποι ἱεροῦνται, ὡς παρὰ Ἀραβίοις καὶ Κυπρίοις ἔργων.

10. BACATHA: *Epiph. adv. Haer.* lviii. 1, ἐν Βακάθοις τῆς Φιλαδελφηνῆς χώρας, *A.C.Oec.* III. 80, 188. MARATHAS: *V. Dan.* 2, *Notitia Antiochena*. CYPRUS: *Soz.* VII. 19 (cited in n. 9). In Cyrenaica Synesius mentions village bishoprics at Hydrax and Palaebisca, Erythrum (*Ep.* 67), and Olbia (*Ep.* 76), and bishops of Barca, Olbia, Dysthis, Erythrum and Tesila attended the councils of Ephesus in 431 and 449 (*A.C.Oec.* I. i. pars ii. 60, pars vii. 88, 115-6, II. i. 81), while Philostorgius (*apud* Nicetas Choniata, *Thesaurus*, 7) mentions a bishop of Boreum. The *Notitia Antiochena* records bishoprics of Chonochora, Harlana and Coradea, probably villages of Damascus, Rachla and Porphyreon, probably in the territory of Sidon, and Sarepta, probably in that of Tyre. PHILAE: *Not. Dig. Or.* xxxi. 37, *PG* XXVI. 808. SYENE AND ELEPHANTINE: *Not. Dig. Or.*

xxxī. 34, 64-5, *Chr.* I. 6. BABYLON: *Not. Dig. Or.* xxviii. 15, *A.C.Oec.* II. i. 81. SCENAE MANDRON: *Not. Dig. Or.* xxviii. 26, *A.C.Oec.* II. v. 17. SYRIAN FORTRESSES: *Not. Dig. Or.* xxxii. 19, 31, xxxiii. 25, 27, 28 and the *Notitia Antiochena*. SASIMA: Greg. Naz. *de vita sua*, 439-50, *Ep.* 48-50: it is recorded as a *mansio* in *Itin. Burd.* 577. 4 (Cuntz, *Itin. Rom.* I. 9). AFRICA: *Coll. Carth.* I. 181-2, Alypius episcopus ecclesiae catholicae dixit: scriptum sit istos omnes in villis vel in fundis esse episcopos ordinatos, non in aliquibus civitatibus. Petilianus episcopus dixit: sic etiam tu multos habes per omnes agros dispersos. Among the African sees there are many whose titles seem to denote rural estates (see pp. 715-16).

II. For Gregory the Great's suppression of Italian sees see p. 312 GINDARUS: Theod. *Hist. Rel.* II, ἐν τοῖς περὶ Γινδάρων χωρίοις, κόμη δὲ αὕτη μεγίστη τελεῖν ὑπὸ τὴν Ἀντιόχειαν τεταγμένη, *Patr. Nic. Nom.* no. 69, Mansi, II. 1307; it appears at no later council, nor in the *Notitia Antiochena*. HYDRAX AND PALAEBISCA: Syn. *Ep.* 67. RESAPHA: *Not. Dig. Or.* xxxiii. 27, *A.C.Oec.* I. iv. 162-3, pervasit vero et martyrium sancti et boni victoris Sergii martyris quod sub Hieropolitana erat ecclesia et noviter illic contra morem ordinavit episcopum; *A.C.Oec.* II. i. 351, 428, Georgius Cyprius, 883, Σεργίουπολις ἦτοι Ἀναστασιούπολις, ἡ σήμερον Πατταφά, ἐνθα ἐμαρτύρησεν ὁ ἅγιος Σέργιος. Similarly Evaria, a military post (*Not. Dig. Or.* xxxii. 19) which was a bishopric in 451 (*A.C.Oec.* II. i. 59), was made a city in 573 (Joh. Eph. *HE* III. 40), and Anasartha, also a military post and bishopric in 451 (*A.C.Oec.* II. i. 57), was made a city by Theodora (Malalas, 444).

12. BOUNDARY DISPUTES: *C. Chalc.* can. 17 (*A.C.Oec.* II. i. 357), τὰς καθ' ἐκάστην ἐκκλησίαν ἀγροικικὰς παροικίας ἢ ἐγχωρίους μένειν ἀπορασαλεύτους παρὰ τοῖς κατέχουσιν αὐτὰς ἐπισκόποις, καὶ μάλιστα εἰ τριακονταετὴ χρόνον ταύτας ἀβιάστως διακατέχοντες ὠκονόμησαν. εἰ δὲ ἐντὸς τῶν τριάκοντα ἐτῶν γεγέννηται τις ἢ γένοιτο περὶ αὐτῶν ἀμφισβήτησις, ἐξεῖναι τοῖς λέγουσιν ἡδικῆσθαι περὶ τούτων κινεῖν παρὰ τῇ συνόδῳ τῆς ἐπαρχίας; Gelasius, *fr.* 17, territorium etiam non facere dioecesim olim noscitur ordinatum, 18, 19.

13. In the West *chorepiscopi* are recorded only at Salona (*CIL* III. 9547, depositio Eugrafi chorepiscopi), Corduba in the early seventh century (*C. Hisp.* II, can. 7, chorepiscopus vel presbyteros, qui tamen iuxta canones unum sunt), and in Gaul in 439 (*C. Reg.* can. 3); in the last case the office was specially created for an irregularly consecrated bishop, and canon 9 of Nicaea, which ruled that reconciled Novatian bishops should rank as priests or *chorepiscopi*, was cited as a precedent. SIGNATURES AT NICAEA: *Patr. Nic. Nom.* nos. 60, 68, 88, 99-103, 182, 185, 187, 189, 201, 203; AT CHALCEDON: *A.C.Oec.* II. i. 58, 60, 63, 268-9, 272-3, 283, 287, 329-30, 333, 449. *Chorepiscopi* are mentioned in *C. Ancyr.* can. 13, *C. Neocaes.* can. 14, *C. Nic.* can. 8, *C. Ant.* can. 8, 10.

14. *C. Laod.* can. 57, ὅτι οὐ δεῖ ἐν ταῖς κόμαις καὶ ἐν ταῖς χώραις καθίστασθαι ἐπισκόπους, ἀλλὰ περιοδεύτας. τοὺς μέντοι ἤδη προκατασταθέντας μηδὲν πράττειν ἄνευ γνώμης τοῦ ἐπισκόπου τοῦ ἐν τῇ πόλει. BASIL'S FIFTY CHOREPISCOPI: Greg. Naz. *de vita sua*, 447, ὁ πενήκοντα χωρεπισκόποις στενούμενος, cf. Bas. *Ep.* 53-4, 142-3, 290. Athanasius (*Apol. c. Ar.* 85, cited in n. 6) speaks of *chorepiscopi* as a normal institution in Egypt. Theodoret had two at Cyrrhus (*Ep.* (PG) 113). Other instances are Greg. Naz. *Ep.* 152 (Nazianzus), Pall. *Hist. Laus.* xlviii (Cappadocia), *A.C.Oec.* I. i. pars vii. 104-5 (Philadelphia), Sev. Ant. *Ep.* I. 37-8 (Chalcis), Cyr. Scyth. *V. Euthymii*, 16 (Jerusalem), *Narr. de ob. Theod. Hierosol.* pp. 15, 55, 57 (Antioch), Joh. Eph. *V. SS. Or.* viii, xi (Anzitene), IGLS

1940-1, 2159. Theodoret (*Hist. Rel.* xxvi) describes the office of a *περιοδευτής* as *ὃς τηρικαῦτα πολλὰς περιώδενσε κόμας τοῖς κατὰ κόμην ἱερεῦσιν ἐπιστατῶν*, cf. *A.C.Oec.* III. 146, *περιοδευτής τῶν ἁγίων ἐκκλησιῶν ἐπὶ χωρίων τῆς πρώτης Συρίων ἐπαρχίας*. Both *χωρεπίσκοποι* and *περιοδευταί* are mentioned in *CJ* I. iii. 38 §2 (Anastasius), 41 §19, 528, and the two terms are equated in *Sev. Ant. Ep.* I. 37-8. For other *περιοδευταί* see *A.C.Oec.* I. i. pars ii. 59, II. i. 458, *Narr. de ob. Theod. Hierosol.* p. 57, *IGLS* 130, 332, 389, 421, 460, 634, 733, 1405, 2517.

15. PROVINCIAL COUNCILS: *C. Nic.* can. 5; cf. *C. Ant.* can. 20, *Can. Apost.* 36. CONSECRATION OF BISHOPS: *C. Nic.* can. 4.

16. *C. Ant.* can. 9, *τοὺς καθ' ἐκάστην ἐπαρχίαν ἐπισκόπους εἰδέναι χρὴ τὸν ἐν τῇ μητροπόλει προσετώτα ἐπίσκοπον καὶ τὴν φροντίδα ἀναδέχεσθαι πάσης τῆς ἐπαρχίας, διὰ τὸ ἐν τῇ μητροπόλει πανταχόθεν συντρέχειν πάντας τοὺς τὰ πράγματα ἔχοντας*.

17. MINIMUM OF THREE BISHOPS: *C. Arel.* I, can. 20, cf. *C. Carth.* III, can. 39, *C. Reg.* can. 2; this rule was not received in the East, see *Can. Apost.* I, *ἐπίσκοπος χειροτονείσθω ὑπὸ ἐπισκόπων δύο ἢ τριῶν*.

18. AFRICAN PRIMATES: *Cod. Can. Eccl. Afr.* 86, *ut matricula et archivus Numidia et apud primam sedem sit, et in metropoli, id est Constantina*. Bishops of many different sees are recorded as primates of Numidia, e.g. Secundus of Tigisa (*Aug. c. ep. Parm.* I. 5), Megalius of Calama (*Poss. V. Aug.* 8), Xanthippus of Tagaste (*Aug. Ep.* 59). For the same practice in the Mauretania see *Aug. Ep.* 59, 209 §8. Gregory the Great (*Ep.* I. 72, 75) tried to alter the rule but failed.

19. *Innoc. Ep.* 24, *nam quod sciscitaris utrum divisim imperiali iudicio provinciis ut duae metropoleis fiant, sic duo metropolitani episcopi debeant nominari, non vere visum est ad mobilitatem necessitatum mundanarum dei ecclesiam commutari, honoresque aut divisiones perpetui quas pro suis causis faciendas duxerit imperator*. The same view was taken by Gregory Nazianzen, *Ep.* 185, *τὴν μὲν οὖν περὶ τῶν παροικιῶν ἀμφισβήτησιν δηλαδὴ αὐτὸς διαλύσεις κατὰ τὴν ἐν σοὶ τοῦ πνεύματος χάριν καὶ τὴν τῶν κανόνων ἀκολουθίαν· ἐκεῖνο δὲ μὴ ἀνεκτὸν φανήτω τῇ σῇ εὐλαβείᾳ τὸ δημοσίοις δικαστηρίοις τὰ ἡμέτερα στηλιτεῦσθαι*.

20. HONORIAS ETC.: *Just. Nov.* xxviii §2, 535, xxix §1, 535. The province of Theodorias, recorded in Georgius Cyprius, is ignored in the *Notitia Antiochena*.

21. For Bacatha and Marathas see above n. 10. MASSILIA: *C. Taurin.* can. 1.

22. JERUSALEM: *C. Nic.* can. 7, *ἐπειδὴ συνήθεια κεκράτηκε καὶ παράδοσις ἀρχαία, ὥστε τὸν ἐν Αἰλίᾳ ἐπίσκοπον τιμᾶσθαι, ἐχέτω τὴν ἀκολουθίαν τῆς τιμῆς, τῇ μητροπόλει σωζόμενον τοῦ οἰκείου ἀξιώματος*. ARLES: *C. Taurin.* can. 2.

23. NICOMEDIA AND NICAËA: *A.C.Oec.* II. i. 416-21.

24. BERYTUS: *A.C.Oec.* II. i. 462-9.

25. SIDE METROPOLIS IN 431: *A.C.Oec.* I. i. pars vii. 112. I infer that Pamphylia was already by 458 divided into two ecclesiastical provinces, as in the episcopal notitiae, from the fact that the letter of Epiphanius of Perge to Leo (*A.C.Oec.* II. v. 60) is signed by fourteen bishops who are all in the later province of Perge, and none in the later province of Side (the letter of Amphilochius of Side is not preserved). The province of Resapha is first recorded in the *Notitia*

*Antiochena*; for its possible creation by Anastasius see Georgius Cyprius, 883 (cited in n. 11). In 451 Resapha was still a suffragan of Hierapolis and none of its later suffragans existed (see *A.C.Oec.* II. i. 350-1).

26. *C. Nic. can.* 6, τὰ ἀρχαῖα ἔθνη κρατεῖτω τὰ ἐν Αἰγύπτῳ καὶ Λιβύῃ καὶ Πενταπόλει, ὥστε τὸν Ἀλεξανδρείας ἐπίσκοπον πάντων τούτων ἔχειν τὴν ἐξουσίαν, ἐπειδὴ καὶ τῷ ἐν τῇ Ῥώμῃ ἐπισκόπῳ τοῦτο σύνθηές ἐστιν· ὁμοίως δὲ καὶ κατὰ Ἀντιόχειαν καὶ ἐν ταῖς ἄλλαις ἐπαρχίαις τὰ πρεσβεῖα σώζεσθαι ταῖς ἐκκλησίαις. καθόλου δὲ πρόδηλον ἐκεῖνο, ὅτι, εἴ τις χωρὶς γνώμης τοῦ μητροπολίτου γένοιτο ἐπίσκοπος, τὸν τοιοῦτον ἢ μεγάλη σύνοδος ὥρισε μὴ δεῖν εἶναι ἐπίσκοπον· ἐὰν μέντοι τῇ κοινῇ πάντων ψήφῳ, ἐλλόγῳ ὁσῶν καὶ κατὰ κανόνα ἐκκλησιαστικόν, δύο ἢ τρεῖς δι' οἰκείαν φιλονεικίαν ἀντιλέγωσι, κρατεῖτω ἢ τῶν πλείονων ψήφος.

27. Synesius in *Ep.* 67 speaks of Ptolemais as τὴν μητροπολίτην ἐκκλησίαν, and he called provincial councils (*Ep.* 13); for his incapacity to consecrate bishops see *Ep.* 67, 76.

28. *PG* x. 1565, magni episcopi ac patris nostri Petri honorem, ex quo cuncti per spem quam habemus in domino Jesu Christo pendemus. *A.C.Oec.* II. i. 309, οἶδεν ὁ θεοφιλέστατος ἀρχιεπίσκοπος Ἀνατόλιος ὅτιπερ τοιοῦτο ἔθος κεκράτηκεν ἐν τῇ Αἰγυπτιακῇ διοικήσει ὥστε πάντας τοὺς ἐπισκόπους ὑπακούειν τῷ Ἀλεξανδρείας ἀρχιεπισκόπῳ.

29. For the Latin versions of the Nicene canons preserved at Carthage see *Ecc. Occ. Mon. Iur. Ant.* I. 120-1: cf. also *Ruf. HE* I. 6, ut apud Alexandriam et in urbe Roma vetusta consuetudo servetur, ut vel ille Aegypti vel hic suburbicariarum ecclesiarum sollicitudinem gerat. In Sicily Gregory the Great entrusted some of the functions of a metropolitan to the rector of the local patrimony (*Ep.* I. 1, 18) and himself consecrated the bishops (*Ep.* II. 24); he sometimes appointed the bishop of Syracuse as papal vicar (*Ep.* II. 8). Lucifer of Caralis is called ὁ ἀπὸ μητροπόλεως τῆς Σαρδηνίας in *Ath. Hist. Ar.* 33, *Apol. de fuga*, 4 and the bishop of Caralis is specifically styled metropolitan in *Greg. Ep.* I. 47, and consecrated his own bishops (*Ep.* IV. 29).

30. Bishops from Syria, Phoenice, Palestine, Arabia, Cilicia (and even some from Cappadocia) assembled in 385 to elect a successor to Philogonius of Antioch (*Opitz, Athanasius Werke*, III. i. 36, no. 18); the council which elected Euphronius included Aetius of Lydda (Palestine), Narcissus of Neronias (Cilicia) and Theodore of Sidon (Phoenice) as well as Theodotus of Laodicea and Alphaeus of Apamea (*Eus. V. Const.* III. 62); and the Council of Constantinople claimed that οἱ τε τῆς ἐπαρχίας καὶ τῆς ἀνατολικῆς διοικήσεως συνδραμόντες κανονικῶς ἐχειροτόνησαν Flavian (*Theod. HE* v. 9). On the right of the bishop of Antioch to consecrate see Innocent, *Ep.* 24, itaque arbitramur, frater carissime, ut sicut metropolitanos auctoritate ordinas singulari, sic et ceteros non sine permissu conscientiaque tua sinas episcopos procreari, in quibus hunc modum recte servabis ut longe positos litteris datis ordinari censeas ab his qui nunc eos suo tantum ordinant arbitratu, vicinos autem si aestimas ad manus impositionem tuae gratiae statuas pervenire. That the bishops of Antioch did not, despite this ruling, have any voice in the election of suffragans is shown by the dispute between Photius of Tyre and Eustathius of Berytus (*A.C.Oec.* II. i. 462-9). THE CYPRIOT CASE: *A.C.Oec.* I. i. pars vii. 118-22. On his jurisdiction contrast *C. Ant. can.* 14, εἴ τις ἐπίσκοπος ἐπὶ τισιν ἐγκλήμασι κρινόιτο, ἐπειτα συμβαλὴ περὶ αὐτοῦ διαφωνεῖν τοὺς ἐν τῇ ἐπαρχίᾳ ἐπισκόπους, τῶν μὲν ἀθῶων τὸν κρινόμενον ἀποφαινόντων, τῶν δὲ ἔνοχον, ὑπὲρ ἀπαλλαγῆς πάσης ἀμφισβητήσεως ἔδοξε τῇ ἁγίᾳ συνόδῳ τὸν τῆς μητροπόλεως ἐπίσκοπον

ἀπὸ τῆς πλησιωχόρου ἐπαρχίας μετακαλεῖσθαι ἑτέρους τινὰς τοὺς ἐπικρινούντας καὶ τὴν ἀμφισβήτησιν διαλύσοντας, τοῦ βεβαιῶσαι σὺν τοῖς τῆς ἐπαρχίας τὸ παριστάμενον, and *A.C.Oec.* II. i. 428-42, where Domnus, patriarch of Antioch, takes cognizance of a dispute between the metropolitan of Hierapolis and one of his suffragans and calls a council to decide the issue.

31. From *Ep.* 72 we learn that Cyprian held a council of African bishops and communicated their decisions to those of Numidia and Mauretania, from *Ep.* 73 that he held a council of 71 bishops from Africa and Numidia, and in his works (pp. 435-61) are preserved the acts of a council of 87 bishops from Africa, Numidia and Mauretania. For the election of Caecilian see *Opt.* I. 18 ff.

32. *C. Const.* I, can. 2, τοὺς ὑπὲρ διοίκησιν ἐπισκόπους ταῖς ὑπερορίοις ἐκκλησίαις μὴ ἐπιέναι, μηδὲ συγγέειν τὰς ἐκκλησίας· ἀλλὰ κατὰ τοὺς κανόνας τὸν μὲν Ἀλεξανδρείας ἐπίσκοπον τὰ ἐν Αἰγύπτῳ μόνον οἰκονομεῖν, τοὺς δὲ τῆς Ἀνατολῆς ἐπισκόπους τὴν Ἀνατολὴν μόνην διοικεῖν, φυλαττομένων τῶν ἐν τοῖς κανόσι τοῖς κατὰ Νικαίαν πρεσβείων τῇ Ἀντιοχείᾳ ἐκκλησίᾳ, καὶ τοὺς τῆς Ἀσιανῆς διοικήσεως ἐπισκόπους τὰ κατὰ τὴν Ἀσίαν μόνην οἰκονομεῖν, καὶ τοὺς τῆς Ποντικῆς τὰ τῆς Ποντικῆς μόνον, καὶ τοὺς τῆς Θράκης τὰ τῆς Θρακικῆς μόνον οἰκονομεῖν, 3, τὸν μέντοι Κωνσταντινουπόλεως ἐπίσκοπον ἔχειν τὰ πρεσβεῖα τῆς τιμῆς μετὰ τὸν τῆς Ῥώμης ἐπίσκοπον, διὰ τὸ εἶναι αὐτὴν νέαν Ῥώμην. In the imperial constitution (*CTh* XVI. i. 3, 381) enforcing the creed of the council, besides Nectarius of Constantinople and Timothy of Alexandria, two or three bishops are named as arbiters in the dioceses of Asiana, Pontica, Oriens and Thrace.

33. For the councils of Rome and Arles we have Constantine's letters in *Eus. HE* x. 5, for the council of Caesarea *Theod. HE* I. 28, *P. Lond.* 1913, for that of Tyre, *Eus. V. Const.* IV. 42, *Theod. HE* I. 29.

34. *Pall. Dial.* pp. 42 ff. esp. 48.

35. For challenges to Roman claims see *Eus. HE* v. 24, Cyprian, *Ep.* 67, 74, 75, *Soz.* III. 8. For the Eastern view that Rome's claims were partly based on her being the capital see *Ath. Hist. Ar.* 35, καὶ οὐχ ὅτι ἀποστολικὸς ἐστὶ θρόνος ἡδέσθησαν, οὐδ' ὅτι μητρόπολις ἡ Ῥώμη τῆς Ῥωμανίας ἐστὶ, *Theod. Ep.* (PG), 113, ἡ γὰρ αὐτὴ πασῶν μεγίστη καὶ λαμπροτάτη καὶ τῆς οἰκουμένης προκαθημένη καὶ τῷ πλήθει τῶν οἰκητόρων κυμαίνουσα· πρὸς δὲ τούτοις καὶ νῦν κρατοῦσαν ἡγεμονίαν ἐβλάστησε καὶ τῆς οἰκείας προσηγορίας τοῖς ἀρχομένοις μετέδωκε (then follow Peter and Paul).

36. *C. Sard.* can. 3, εἰ δὲ ἄρα τις ἐπίσκοπον ἐν τινι πράγματι δόξη κατακρίνεσθαι καὶ ὑπολαμβάνει εἶναι μὴ σαθρὸν ἀλλὰ καλὸν ἔχειν τὸ πρᾶγμα, ἵνα καὶ αὐτὸς ἢ κρίσις ἀνανεωθῇ· εἰ δοκεῖ ὅμων τῇ ἀγάπῃ, Πέτρου τοῦ ἀποστόλου τὴν μνήμην τιμῶμεν, καὶ γραφῆναι παρὰ τούτων τῶν κρινάντων Ἰουλίῳ τῷ ἐπισκόπῳ Ῥώμης, ὥστε διὰ τῶν γειτνιώντων τῇ ἐπαρχίᾳ ἐπισκόπων, εἰ δέοι, ἀνανεωθῆναι τὸ δικαστήριον καὶ ἐπιγνώμονας αὐτὸς παράσχοι· εἰ δὲ μὴ συστήναι δύναται, τοιοῦτον αὐτοῦ εἶναι τὸ πρᾶγμα, ὥς παλινδικίας χρήξιν, τὰ ἅπαξ κεκριμένα μὴ ἀναλύεσθαι, τὰ δὲ ὄντα βέβαια τυγχάνειν, 5, ἤρρεσεν, ἵν' εἰ τις ἐπίσκοπος καταγγεληθῇ, καὶ συναθροισθέντες οἱ ἐπίσκοποι τῆς ἐνορίας τῆς αὐτῆς τοῦ βαθμοῦ αὐτὸν ἀποκινήσωσι, καὶ ὥσπερ ἐκκαλεσάμενος καταφύγῃ ἐπὶ τὸν μακαριώτατον τῆς Ῥωμᾶν ἐκκλησίας ἐπίσκοπον, καὶ βουλευθείη αὐτοῦ διακοῦσαι, δίκαιόν τε εἶναι νομίση ἀνανεώσασθαι αὐτοῦ τὴν ἐξέτασιν τοῦ πράγματος, γράφειν τούτοις τοῖς συνεπισκόποις καταξιώσῃ τοῖς ἀρχιστεῦνοις τῇ ἐπαρχίᾳ, ἵνα αὐτοὶ ἐπιμελῶς καὶ μετὰ ἀκριβείας ἕκαστα διερευνήσωσι καὶ κατὰ τὴν τῆς ἀληθείας πίστιν ψῆφον περὶ τοῦ πράγματος ἐξενέγκωσιν. εἰ δὲ τις ἀξίῳ καὶ πάλιν αὐτοῦ τὸ πρᾶγμα ἀκουσθῆναι, καὶ τῇ δεήσει τῇ αὐτοῦ τὸν Ῥωμαίων

ἐπίσκοπον δόξειεν ἀπὸ τοῦ ἰδίου πλευροῦ πρεσβυτέρους ἀποστείλοι, εἶναι ἐν τῇ ἐξουσίᾳ αὐτοῦ τοῦ ἐπισκόπου, ὅπερ ἂν καλῶς ἔχων δοκιμᾶση καὶ ὁρίσῃ δεῖν, ἀποσταλῆναι τοὺς μετὰ τῶν ἐπισκόπων κρινούντας, ἔχοντάς τε τὴν αὐθεντίαν τούτου παρ' οὗ ἀπεστάλησαν καὶ τοῦτο θετέον. εἰ δὲ ἐξαρκεῖν νομίσῃ πρὸς τὴν τοῦ πράγματος ἐπίγνωσιν καὶ ἀπόφασιν τοῦ ἐπισκόπου, ποιήσει ὅπερ ἂν τῇ ἐμφρονεστάτῃ αὐτοῦ βουλῇ καλῶς ἔχων δόξῃ. For Pope Zosimus's unsuccessful attempt to enforce these canons in the case of Apiarius see ch. VI, n. 89. ROMAN COUNCIL UNDER DAMASUS: Mansi, III. 624-7. GRATIAN'S LAW: *Coll. Avell.* 13 §11.

37. AMBROSE AT SIRMIIUM: Paul. *V. Amb.* II. POSITION OF SIRMIIUM: *Gesta Conc. Aquil.* 16 (PL XVI. 921), caput Illyrici non nisi civitas est Sirmiensis. THE DEPOSITION OF TWO DACIAN BISHOPS: *Gesta Conc. Aquil.* (PL XVI. 916-49); that the two bishops came from the diocese of Dacia is shown by PL XVI. 948, in latere Daciae Ripensis et Moesia. In this instance Ambrose was acting under imperial authority, see the imperial constitution cited in the *Gesta* 3-4 (PL XVI. 916-17).

38. The whole dossier of papal, imperial and other letters bearing on the vicariate of Illyricum was cited at a Roman council in 521, and is printed in Mansi, VIII. 749-72.

39. *CTb* XVI. ii. 45, 421; the letters of Honorius and Theodosius are nos. xi and xii in Mansi, *loc. cit.*

40. THE VICARIATE OF ARLES: Zosimus, *Ep.* I, 4-7, 10-11; it is ignored by Boniface, *Ep.* 12, Celestine, *Ep.* 4 §4.

41. HILARY: Leo, *Ep.* 10 (cf. Val. III, *Nov.* xvii, 445). RAVENNIUS: Leo, *Ep.* 65-6. CAESARIUS: Symmachus, *Ep.* 16. THE VICARIATE OF SPAIN: Simplicius, *Ep.* 21, Hormisdas, *Ep.* 24, 142.

42. Ephesus certainly enjoyed some form of primacy, which Palladius implies extended over all Asiana, when he says that John Chrysostom, in response to an appeal from the church of Ephesus and the bishops there assembled after the death of Antoninus, went to Ephesus ἐπὶ καταστάσει μάλιστα νεοσηκόντων πραγμάτων ὅλης τῆς Ἀσιανῆς διοικήσεως (*Dial.* p. 88). John, however, summoned a council to elect Antoninus's successor from Lydia, Asia and Caria only, and some bishops from Phrygia attended voluntarily (*Dial.* p. 89). This suggests that the influence of Ephesus did not extend to the remoter provinces of Asiana. There was local indignation at Ephesus after Chalcedon at the loss of its prerogatives, and in the anti-Chalcedonian reaction under Basiliscus they were temporarily restored (*Zach. Myt. Chron.* iv. 5, v. 4, Evagr. III. 6). At the sixth ecumenical council of 680 the metropolitans of Ephesus and Caesarea signed as ἑξαρχος τῆς Ἀσιανῶν διοικήσεως and ἑξαρχος τῆς Ποντικῆς διοικήσεως respectively (Mansi, XI. 688-9), but this does not prove that either see enjoyed any special prerogatives at an earlier date: I know of no evidence that Caesarea held any special position except that its bishop enjoyed high precedence, and precedence does not imply powers. There is also, as far as I know, no evidence that Heraclea had any primacy in Thrace, except that its bishop had high precedence.

The suggestion of the imperial commissioners at Chalcedon that οἱ δοσιώτατοι πατριάρχαι διοικήσεως ἐκάστης ἐπιλεξάμενοι ἓνα ἢ δεύτερον τῆς οἰκίας ἑκάστος διοικήσεως (*A.C.Oec.* II. i. 274) should form a committee to draw up the creed shows that they thought every diocese had an acknowledged head; but this layman's suggestion was not acted upon, doubtless because it ignored the facts.

It has also been argued from two canons of Chalcedon that the dioceses of Thrace, Asiana and Pontica had 'exarchs'. They run: *εἰ δὲ πρὸς τὸν τῆς αὐτῆς ἐπαρχίας μητροπολίτην ἐπίσκοπος ἢ κληρικὸς ἀμφισβητοῖη, καταλαμβάνετω ἢ τὸν ἐξάρχον τῆς διοικήσεως ἢ τὸν τῆς βασιλευούσης Κωνσταντινουπόλεως θρόνον καὶ ἐπ' αὐτῷ δικαζέσθω* (canon 9, *A.C.Oec.* II. i. 356), *εἰ δέ τις παρὰ τοῦ ἰδίου ἀδικοῖτο μητροπολίτον, παρὰ τῷ ἐξάρχῳ τῆς διοικήσεως ἢ τῷ Κωνσταντινουπόλεως θρόνῳ δικαζέσθω, καθὰ προεῖρηται* (canon 17, *A.C.Oec.* II. i. 357). These canons were enacted before the creation of the patriarchate of Constantinople, and were evidently meant to be of general application throughout the Eastern church. They certainly cannot mean, as has been maintained, that in the patriarchate of Constantinople, cases went first to the 'exarchs' of Thrace, Pontica and Asiana, and by appeal to Constantinople; for in the first place the patriarchate did not yet exist, and in the second 'the exarch of the diocese' and 'the throne of Constantinople' are quite clearly alternative courts of equal status. Moreover on that interpretation the canons would ignore the other dioceses of the East. The most natural interpretation of their rather obscure wording is that the cases in question are to be referred to the head of the diocese (if any), or to the see of Constantinople (if the diocese had no head). The 'exarchs' would include the bishop of Antioch, who is often styled *ἐξάρχος τῆς Ἀνατολικῆς διοικήσεως* (*A.C.Oec.* II. i. 438, cf. 389, Perry, *The Second Synod of Ephesus*, 355). These canons, then, do not imply that every diocese had its 'exarch'; on the contrary they imply that in some dioceses Constantinople exercised the jurisdiction which elsewhere fell to the 'exarch'.

An instance of an imperial constitution in favour of Constantinople is given by Soc. VII. 28. The visiting synod is seen functioning under John Chrysostom (Pall. *Dial.* p. 83) and Flavian (*A.C.Oec.* II. i. 100-45) and its authority is confirmed in *A.C.Oec.* II. i. 465-6.

43. JOHN CHRYSOSTOM'S INTERVENTION IN ASIA: Pall. *Dial.* pp. 83 ff. Cf. also Syn. *Ep.* 66 (John Chrysostom consecrated a bishop at Basilinopolis in Bithynia).

44. JOHN CHRYSOSTOM'S SUCCESSORS: Soc. VII. 25 (Nicaea), 28 (Cyzicus), 37 (Philippopolis and Troas), 48 (Caesarea), cf. VII. 3 for a decision of Atticus about Synnada.

45. THE PATRIARCHATE OF CONSTANTINOPLE: *A.C.Oec.* II. i. 447-8 (the canon), 453-8 (the debate).

46. ANCYRA: *A.C.Oec.* II. i. 457. That Ancyra, metropolis of Galatia I, was the residence of the vicar of Pontica appears from Just. *Nov.* viii §3, 535, where the posts of governor of Galatia I and of vicar are united.

47. EPHEBUS: *A.C.Oec.* II. i. 411-12.

48. THE PATRIARCHATE OF JERUSALEM: *A.C.Oec.* II. i. 364-6. JUVENAL'S EARLIER CLAIMS: *A.C.Oec.* I. i. pars. iii. 18-9.

49. PRIMA JUSTINIANA: Just. *Nov.* xi, 535, cxxi §3, 545. The title patriarch is first used (anachronistically) by Socrates (v. 8), writing about 440, to describe the bishops who were selected, several to each diocese, in 381 under CTb xvi. i. 3 to test the orthodoxy of the other bishops in their dioceses. At Chalcedon the title is applied to Pope Leo (*A.C.Oec.* II. i. 191, 211, 216, 218-9) and is used once by the imperial commissioners to denote the chief bishop of a diocese (see n. 42). An alternative term, which did not ultimately find favour,



was *ἐξάρχος* (see n. 42). The rule for consecrations is clearly laid down in *A.C.Oec.* II. i. 448 for Constantinople, and the same rule applied to Oriens (see above n. 30). For Alexandria see above n. 27. For Thessalonica the rules are stated in Leo, *Ep.* 14 §5-6. Justinian's language in *Nov.* xi and cxxxi §3 might be taken to mean that the archbishop of Justiniana Prima consecrated all his bishops, but is compatible with the Thessalonican rule.

50. For the Apiarius case see ch. VI, n. 89.

51. On the finances of the church see my article in *JTS* 1960, 84-94. *Oblationes* are mentioned as part of the church revenue in Simplicius, *Ep.* 1, Gelasius, *Ep.* 14 §27, 15, 16, *C. Aurel.* I, can. 14, 15, *καρποφορίαι* in *C. Gangr.* can. 7, 8, *A.C.Oec.* II. i. 384, *CJ* I. iii. 38.

52. There are vague allusions to first fruits and tithe in *Can. Apost.* 4, *Can. Athan.* 3, 63, 82, 83, *Const. Apost.* vii. 29, viii. 30; in *Const. Apost.* ii. 25-6 (cf. 34-5) they are mentioned as a biblical institution worthy of imitation. ACTUAL GIFTS OF TITHE: Cassian, *Coll.* XIV. vii. 1-3, XXI. i-viii, *V. Severini*, 17. That tithe was not normally paid is proved by Joh. Chrys. *Hom. in Eph.* iv. 4, Jerome, *Comm. in Mal.* iii, Aug. *Enarr. in Psal.* cxlvi. 17, *Serm.* 9 §19, 85 §5. TITHE IN MEROVINGIAN GAUL: *C. Tur.* II, *Ep. ad plebem*, *C. Matic.* II, can. 5.

53. *CJ* I. iii. 38 §2, *καὶ τοῦτο ἵδὲ θεσπίζομεν, ὥστε μηδένα τῶν θεοφιλεστάτων ἐπισκόπων ἢ χωρεπισκόπων ἢ περιοδευτῶν ἢ κληρικῶν ἄκοντας τοὺς λαϊκοὺς συνελαύνειν πρὸς τὴν τῶν καρποφοριῶν τῶν ἐν τοῖς τόποις καλουμένων ἀπαρχῶν ἥτοι προσφορῶν ἔκτισιν ὥσπερ τι τέλος ταῦτα μεθοδεύοντας . . . μηδ' ἀφορισμοὺς τούτων ἐνεκα τῶν αἰτιῶν ἢ ἀναθεματισμοὺς τούτοις ἐπάγειν καὶ τῆς τῶν ἁγίων μυστηρίων μεταλήψεως καὶ αὐτοῦ τοῦ σεβασμίου καὶ σωτηριώδους βαπτίσματος, ὅπερ καὶ λέγειν ἀθέμιτον, ἐντεῦθεν ἀποστερεῖν; §§3-4, καὶ γὰρ ἐστὶ πρόδηλον, ὡς προσήκει μάλιστα ἕκαστον ἐκ τῶν οικείων πόνων ἔκοντα τῷ θεῷ καὶ τοῖς ὑπηρετουμένοις αὐτῷ προσφέρειν, ἅπερ ἂν αὐτὸς δοκιμάσῃ, οὐ μὴν συνωθεῖσθαι πρὸς τοῦτο καὶ ἀναγκάζεσθαι καὶ ἀποροῦντα ἴσως καὶ οὐδὲ τῶν ἐκ τῆς γεωργίας καρπῶν διὰ τινος συμβαινούσας οἷα εἰκὸς ἀφορίας ἀπολαύοντα. διὰ γὰρ τοῦτο τὴν μὲν ἀνάγκην κωλύομεν, τὴν δ' ἀσθαλῆτον γνώμην τῶν προσφερόντων οὐ μόνον οὐκ εἰργομεν, ἀλλὰ καὶ ἀποδεχόμεθα.*

54. EDICT OF GALLIENUS: Eus. *HE* VII. 13; OF MAXIMIN: *ibid.* IX. 10, *εἰ τινες οἰκίαι καὶ χωρὶα τοῦ δικαίου τῶν Χριστιανῶν πρὸ τούτου ἐτύγχανον ὄντα; OF CONSTANTINE: X. 5, εἴτε κῆποι εἴτε οἰκίαι εἴθ' ὅτιονδήποτε τῷ δικαίῳ τῶν αὐτῶν ἐκκλησιῶν διέφερον; OF LICINIUS: Lact. *Mort. Pers.* 48 §9, *et quoniam iidem Christiani non ea loca tantum, ad quae convenire consuerunt, sed alia etiam habuisse noscuntur ad ius corporis eorum id est ecclesiarum, non hominum singulorum, pertinentia, ea omnia lege quam superius comprehendimus, citra ullam prorsus ambiguitatem vel controversiam iisdem Christianis id est corpori et conventiculis eorum reddi iubebis, supra dicta scilicet ratione servata, ut ii qui eadem sine pretio sicut diximus restituant, indemnitate de nostra benevolentia sperent.**

55. REQUESTS TO THE CHURCH LEGALISED: *CTb* XVI. ii. 4, 321. Constantine's gifts to the churches of Rome and Italy are set out in *Lib. Pont.* xxxiv. MELANIA: *V. Mel.* 21. RAVENNA DEEDS: *P. Ital.* 4-6, 12-24. FLAVIUS PUSI: *P. Oxy.* 1901; cf. *P. Cairo*, 67151 (bequest of one *arura* by a doctor), *P. Gröningen*, 10 (bequest by a retired officer of his whole estate, with a life interest in half to his widow).

56. INTESTATE CLERICS: *CTb* V. iii. 1, 434. ESTATES OF BISHOPS: *PG* XXXVII. 389-96 (Gregory's will), *PL* LXVII. 1139-42 (Caesarius's will), *Cod. Can. Eccl.*

*Afr.* 81, item constitutum est, ut si quis episcopus haeredes extraneos a consanguinitate sua vel haereticos etiam consanguineos aut paganos ecclesiae praetulerit, saltem post mortem anathema ei dicatur.

57. SCHEDULE OF BISHOP'S PROPERTY: *C. Ant.* can. 24, *Can. Apost.* 39, *C. Tarrac.* can. 12, *C. Ilerd.* can. 16, *C. Valent.* can. 2, 3. PROPERTY ACQUIRED BY BISHOPS: *C. Carth.* III. 49, placuit ut episcopi, presbyteri, diaconi vel quicumque clerici, qui nihil habentes ordinantur, et tempore episcopatus vel clericatus sui agros vel quaecumque praedia nomine suo comparant, tamquam rerum dominicarum invasionis crimine teneantur obnoxii, nisi admoniti ecclesiae eadem ipsa contulerint. si autem ipsis proprie aliquid liberalitate alicuius vel successione cognationis obvenierit, faciant inde quod eorum proposito congruit; *C. Agath.* can. 6, pontifices vero, quibus in summo sacerdotio constitutis ab extraneis dumtaxat aliquid aut cum ecclesia aut sequestratim aut dimittitur aut donatur, quia hoc ille qui donat pro redemptione animae suae, non pro commodo sacerdotis probatur offerre, non quasi suum proprium sed quasi dimissum ecclesiae inter facultates ecclesiae computabunt, quia iustum est, ut sicut sacerdos habet quod ecclesiae dimissum est, ita et ecclesia habeat quod relinquitur sacerdoti; *CJ* I. iii. 41 §§5-7, 528, Just. *Nov.* cxxxix §13, 545; Pelagius I, *Ep.* 33, Greg. *Ep.* IV. 36, VI. I, IX. 194, XII. 14.

58. BISHOPS' POOR RELATIONS: *Can. Apost.* 37. IBAS: *A.C.Oec.* II. i. 384. CORRUPTION IN PAPAL ELECTIONS: *MGH (AA)* XII. 399 ff.

59. ALIENATION OF CHURCH PROPERTY: *CJ* I. ii. 14, 470, 17 (Anastasius), cf. Just. *Nov.* vii pr., 535.

60. JUSTINIAN'S LAWS: *CJ* I. ii. 24, 530, cf. Just. *Nov.* vii pr., 535; the nature of *ius colonarium* is explained in an ancient gloss to the Novel. The rules of the law of 530 are elaborated in Just. *Nov.* vii, 535; exchange with the crown is authorised in §2.

61. ALIENATION FOR FISCAL OR PRIVATE DEBTS: Just. *Nov.* xlvii, 537. SPECIAL LAWS FOR JERUSALEM AND MOESIA: Just. *Nov.* xl, 535, lxx, 538. PERPETUAL LEASES ALLOWED: Just. *Nov.* cxx §1 (houses), §6 (land), 544.

62. *CJ* I. ii. 24 §1, 530, τὰ μέντοι λοιπὰ συναλλάγματα, ὅσα ἐφεῖται τοῖς θεοφιλεστοῖς ἐπισκόποις τῆς αὐτῆς ἀγιωτάτης μεγάλης ἐκκλησίας ποιεῖν, ἐξεῖναι αὐτοῖς τίθεσθαι, πρὸς οὓς ἂν δοκιμάσωσι, διῆχα τῶν ἐνδοξοτάτων ἢ μεγαλοπρεπεστάτων ἐμπράκτων ἀρχόντων ταύτης τῆς βασιλίδος πόλεως. πρὸς γὰρ τούτους κατ' οὐδένα τρόπον ποιεῖσθαι αὐτοὺς οἰανδήποτε ἐκδοσιν ἀκινήτων πραγμάτων, ἀλλὰ μὴδὲ ἄλλου παρεντιθεμένου προσώπου ἐπὶ περιγραφῇ τῆς θείας ἡμῶν διατυπώσεως συγχωροῦμεν, εἴτε τινὰ οἰκειότητα οὗτος ἔχει πρὸς τὸν ἀρχοντα τὸν ἐπὶ τῇ ἐξουσίᾳ τελοῦντα, εἴτε διῆχα παλαιᾶς οἰκειότητος νεωστὶ παρ' αὐτοῦ πρὸς τοῦτο παρελλήπηται; Just. *Nov.* vii §9, 535, ἐπειδὴ δὲ εἰκὸς τινὰς ἐπὶ παρακρούσει τοῦδε τοῦ νόμου πειρασθαι πραγματικοὺς ἡμῶν τύπους λαμβάνειν τοιοῦτό τι πράττειν αὐτοῖς ἐπιτρέποντας, καὶ τοῦτο κωλύομεν ἐπὶ παντός προσώπου, μελίζονός τε καὶ ἐλάττωτος, εἴτε ἀρχὴν ἔχοι τινὰ εἴτε τῶν περὶ ἡμᾶς εἴη εἴτε τῶν ἄλλων τις τῶν εἰς δῆμους τελοῦντων, §10, εἰ μέντοι βούλονται τινα ὑπὸ τὴν αὐτῶν διοίκησιν ἔχειν οἱ θεοφιλέστατοι οἰκονόμοι ἢ οἱ τῶν ἄλλων ἡγούμενοι συστημάτων, μὴδὲν τῶν ἐν δυνάμει μὴδὲ κατὰ θεῖον πραγματικὸν τύπον παρερρίαν εἶναι ἀναγκάζειν αὐτοὺς ἢ κατὰ μίσθωσιν ἢ κατὰ ἐμφύτευσιν ταῦτα ἐκδιδόναι, lv pr., 537, ἐπειδὴ δὲ ἔγνωμεν ὡς τινας τὸ τῆς προτέρας διατάξεως κεφάλαιον, ὅπερ ἐπὶ ἀμείψει διαφερόντων τοῖς εὐαγέσιν οἴκοις πραγμάτων πρὸς τὴν βασιλείαν ἐργάσασθαι, εἰς τὴν κατὰ τοῦ νόμου τέχνην ἔτρεψαν, ᾗτησαν δὲ ὥστε ἡμᾶς μὲν παρὰ τῆς ἀγιωτάτης ἐκκλησίας λαβεῖν, αὐτοῖς δὲ ταῦτα δοῦναι, ἐντεῦθεν δὲ ὠρμήθησαν πολλοὶ ταῖς ὁμοίαις αἰτήσεσι χρώμενοι τὴν θείαν περιγράψαι διάταξιν.

63. AFRICAN RULE: *Cod. Can. Eccl. Afr.* 33, item placuit ut presbyteri non vendant rem ecclesiae ubi sunt constituti, nescientibus episcopis suis; quomodo et episcopis non licet vendere praedia ecclesiae, ignorante concilio vel presbyteris suis. non habenti ergo necessitatem nec episcopo liceat matricis ecclesiae rem <nec presbytero rem> tituli sui usurpare. GALLIC CANONS: *C. Agath.* can. 7, quod si necessitas certa compulerit, ut pro ecclesiae aut necessitate aut utilitate vel in usufructu vel in directa venditione aliquid distrahatur, apud duos vel tres comprovinciales vel vicinos episcopos causa, qua necesse sit vendi, primitus comprobetur: et habita discussione sacerdotali eorum subscriptione quae facta fuerit venditio roboretur; aliter facta venditio vel transactio non valebit. sane si quod de servis ecclesiae bene meritos sibi episcopus libertate donaverit, collatam libertatem a successoribus placuit custodiri, cum hoc quod iis manumissor in libertate contulerit; quod tamen iubemus viginti solidorum numerum, et modum in terrula, vineola vel hosioliolo tenere. quod amplius datum fuerit, post manumissoris mortem ecclesia revocabit. minusculas vero res aut ecclesiae minus utiles peregrinis vel clericis salvo iure ecclesiae in usum praestari permittimus; 45, terrulas aut vineolas exiguas et ecclesiae minus utiles aut longe positas parvas episcopus sine consilio fratrum, si necessitas fuerit, distrahendi habeat potestatem; *C. Epaon.* can. 12, nullus episcopus de rebus ecclesiae suae sine conscientia metropolitani sui vendendi aliquid habeat potestatem, utili tamen omnibus commutatione permissa; *C. Mass.* quia multas domus ecclesiae Regensis absque ratione contra canonum statuta sine consilio sanctorum antistitum perpetuo iure distraxit. Cf. for parish priests *C. Agath.* can. 49, 53, *C. Epaon.* can. 7.

64. COMPENSATION FOR ALIENATIONS: *C. Agath.* can. 33, episcopus qui filios aut nepotes non habens alium quam ecclesiam relinquit haereditem, si quid de ecclesia non in ecclesiae causa aut necessitate praesumpsit, quod distraxit aut donavit irritum habeatur: qui vero filios habet, de bonis quae relinquit ab haeredibus eius indemnitatibus ecclesiae consulatur; *C. Aurel.* iv, can. 9, ut episcopus, qui de facultate propria ecclesiae nihil relinquit, de ecclesiae facultate si quid aliter quam canones eloquuntur obligaverit, vendiderit aut distraxerit, ad ecclesiam revocetur. sane si de servis ecclesiae liberos fecerit numero competenti, in ingenuitate permaneant, ita ut ab officio ecclesiae non recedant. Two actual cases are recorded in detail in *C. Mass.* and *C. Hisp.* i. PRESSURE BY THE GREAT: *C. Arvern.* i, can. 5, qui reiculam ecclesiae petunt a regibus, et horrendae cupiditatis impulsu egentium substantiam rapiunt, irrita habeantur quae obtinent, et a communione ecclesiae cuius facultatem auferre cupiunt excludantur; *C. Aurel.* iv, can. 25, si quis clericus aut laicus sub potentum nomine atque patrocinio res ad ius ecclesiae pertinentes contempto pontifice petere seu possidere praesumpserit, primum admoneatur quae abstulit civiliter reformare; *C. Paris.* iii, can. 1, competitoribus etiam huiusmodi frenos districtioris imponimus, qui facultates ecclesiae sub specie largitatis regiae improba subreptione pervaserint. Cf. Greg. Tur. *Virt. Jul.* 14, *Glor. Conf.* 70.

65. Church lands were apparently made tax free for a brief period after the council of Ariminum in 359; see *CTb* xi. i. 1, where they are immune on 18 Jan. 360, and *CTb* xvi. ii. 15, 30 June 360, in Ariminensi synodo super ecclesiarum et clericorum privilegiis tractatu habito usque eo dispositio progressa est ut iuga quae videntur ad ecclesiam pertinere a publica functione cessarent inquietudine desistente: quod nostra videtur dudum sanctio reppulisse. For the church of Thessalonica see *CTb* xi. i. 33, 424, sacrosancta Thessalonicensis ecclesia civitatis excepta, ita tamen ut aperte sciat propriae tantummodo capitationis modum beneficio mei numinis sublevandum, nec

externorum gravamine tributorum rem publicam ecclesiastici nominis abusione laedendam. IMMUNITY FROM EXTRAORDINARIA ETC.: *CTh* xi. xvi. 21, 22, 397, xvi. ii. 40, 412, xv. iii. 6, 423. The original grant of this immunity is not recorded, but must have been made before 360, when it is assumed in *CTh* xvi. ii. 15, universos namque clericos possessores dumtaxat provinciales pensitationes fiscalium recognoscere iubemus, maxime cum in comitatu tranquillitatis nostrae alii episcopi, qui de Italiae partibus venerunt, et illi quoque, qui ex Hispania atque Africa commearunt, probaverint id maxime iuste convenire, ut praeter ea iuga et professionem, quae ad ecclesiam pertinet, ad universa munia sustinenda translationesque faciendas omnes clerici debeant adtineri.

66. STATE SUBSIDY: Theod. *HE* i. 11, καὶ μέντοι καὶ γράμματα πρὸς τοὺς τῶν ἔθνων προστατεύοντας δέδωκεν ἄρχοντας, καθ' ἑκάστην πόλιν χορηγεῖσθαι παρεγγυῶνταις ἀεὶ παρθένους καὶ χήραις καὶ τοῖς ἀφιερωμένους τῇ θεῇ λειτουργίᾳ ἐτήσια σιτηρέσια, φιλοτιμίᾳ μᾶλλον ἢ χρεΐα ταῦτα μετρήσας. τούτων τὸ τρίτημόριον μεχρὶ καὶ τήμερον χορηγεῖται. Ἰουλιανοῦ μὲν τοῦ δυσσεβοῦς πάντα καθάπαξ ἀφελομένου, τοῦ δὲ μετ' ἐκείνων τὰ νῦν χορηγούμενα παρασχεθῆναι προστεταχότος, iv. 4, Soz. v. 5, *CJ* i. ii. 12, 451, ut pauperibus alimenta non desint, salaria etiam quae sacrosanctis ecclesiis in diversis speciebus de publico hactenus ministrata sunt iubemus nunc quoque inconcussa et a nullo prorsus imminuta praestari, cf. Ath. *Apol. c. Ar.* 18, Soc. ii. 17, *A.C.Oec.* ii. i. 213, Greg. *Ep.* x. 8, fertur itaque quod annonas atque consuetudines diaconiae, quae Neapolim exhibetur, eminentia vestra (sc. Johannes, praefectus praetorio Italiae) subtraxerit.

67. CHURCHES OF ALEXANDRIA: Epiph. *adv. Haer.* lxix. 1-2. CHURCH OF ROME: Ath. *Apol. c. Ar.* 20, ἐνθα Βλτων ὁ πρεσβύτερος συνήγεν, Innocent, *Ep.* 25 §5, de fermento vero quod die dominica per titulos mittimus, superflue nos consulere voluisti; cum omnes ecclesiae nostrae intra civitatem sint constitutae, quarum presbyteri, qui die ipsa propter plebem sibi commissam nobiscum convenire non possunt, ideo fermentum a nobis confectum per acolythos accipiunt.

68. Early examples of endowed city churches are those founded by Constantine and others in Rome (*Lib. Pont.* xxxiv, xxxv, xxxviii, xxxix, xlii, xlv). NO CONSECRATION WITHOUT ENDOWMENT: Gelasius, *Ep.* 34, fr. 21, Loewenfeld, *Ep. Pont. Rom. Ined.* 2, 15, Pelagius I, *Ep.* 86, Greg. *Ep.* ii. 9, 15, ix. 58, 71, 180, Just. *Nov.* lxvii §2, 538, ἐπειτα μὴ ἄλλως αὐτὸν ἐκκλησίαν ἐκ νέου οἰκοδομεῖν, πρὶν ἂν διαλεχθῇ πρὸς τὸν θεοφιλέστατον ἐπίσκοπον καὶ ὀρίσειε τὸ μέτρον ὑπερ ἀφορῶν πρὸς τε τὴν λυχνοκατὰν καὶ τὴν ἱερὰν λειτουργίαν καὶ τὴν ἀδιάφθορον τοῦ οἴκου συντήρησιν καὶ τὴν τῶν προσεδρευόντων ἀποτροφήν; *C. Aurel.* iv, can. 33, si quis in agro suo aut habet aut postulat habere dioecesim, primum et terras ei deputet sufficienter et clericos qui ibidem sua officia impleant, ut sacratis locis reverentia condigna tribuatur; *C. Bracar.* ii, can. 5, hoc tantum unusquisque episcoporum meminerit, ut non prius dedicet ecclesiam aut basilicam, nisi antea dotem basilicae et obsequium ipsius per donationem chartulae confirmatum accipiat: nam non levis est ista temeritas, si sine luminariis vel sine sustentatione eorum qui ibidem servituri sunt, tamquam domus privata, ita consecratur ecclesia.

69. PELAGIUS'S RULING: Pelagius I, *Ep.* 17, sed si tanta est ecclesiae Sessulanae penuria ut parochia esse non possit, eam potius titulum Nolanae ecclesiae constitue, ut tali dispositione habita nec de sacris quicquam ministeriis detrahatur et competentia ibidem divini cultus per deputatos cardinales ecclesiae presbyteros ministeria celebrentur, et si quid est in caespite, per ecclesiae

Nolanae homines ut diligentius saltem fiscus solvere valeat, excolatur. Cf. Just. Nov. vi §8, 535, ἐν δὲ ἅπασιν τοῖς ἔξω τόποις θεσπίζομεν, εἰ μὲν ὁ συστησάμενος ἐξ ἀρχῆς καὶ οἰκοδομήσας τὴν ἐκκλησίαν ὥρισε τὸ τῶν χειροτονουμένων μέτρον, οἷα πρὸς αὐτὸ καὶ τὴν δαπάνην περιστήσας, μὴ πρότερον χειροτονηθῆναι τινα κατὰ τὴν αὐτὴν ἐκκλησίαν, πρὶν ἂν εἰς τὸν ἀριθμὸν τὸν ἐξ ἀρχῆς ὁρισθέντα τὸ μέτρον αὐτοῦ περισταῖ. εἰ δὲ μὴ τοῦτο γέγονεν, αὐτὴ δὲ ἡ τῆς πόλεως ἐκκλησία χορηγούη τὰς σιτήσεις ἑαυτῇ τε καὶ ταῖς ἄλλαις ἐκκλησίαις, τῆνικαὺτα μὴ προχειρῶς αὖξεν τοὺς ἐκεῖσε κληρικούς; CX 56, 544, καὶ εἰ μὲν ἀγιώταται ὧσιν ἐκκλησίαι ἡ ἑτεροὶ εὐαγεῖς οἰκοί, ὧν τὴν διοίκησιν ὁ κατὰ τόπον ὀσιώτατος ἐπίσκοπος ἡ δι' ἑαυτοῦ ἡ διὰ τοῦ εὐαγοῦς αὐτοῦ κλήρου ποιεῖται . . . εἰ δὲ πτωχεῖα ἢ ξενῶνες ἢ νοσοκομεῖα ἢ ἑτεροὶ εὐαγεῖς οἰκοὶ ὧσιν ἰδίαν διοίκησιν ἔχοντες.

70. ENDOWMENTS HELD BY TITULI: MGH (AA) XII, p. 450, pari etiam ecclesiarum per omnes Romanae civitatis titulos qui sunt presbyteri vel quicumque fuerint adstringi volumus lege custodes . . . quicumque tamen oblitus Dei et decreti huius immemor, cuius Romanae civitatis sacerdotes volumus religiosus nexibus devinciri, in constitutum praesens committens quidquam de iure titularum vel ecclesiae superius praefatae quolibet modo . . . perpetuo iure, exceptis dumtaxat sub praefata conditione domibus, alienare tentaverit, donator, alienator ac venditor honoris sui amissione multetur. GREGORY'S GRANT TO S. PAUL'S: Greg. Ep. XIV. 14. It may be noted that he did not merely earmark the rents, but ordered the *rector* of the *patrimonium Appiae* to transfer these lands from his books to those of the *praepositi* of the basilica, who would henceforth be responsible for their management. Thus as Gregory says, licet omnia quae haec apostolica habet ecclesia beatorum Petri et Pauli, quorum honore et beneficiis adquisita sunt, deo sint auctore communia, esse tamen debet in administratione actionum diversitas personarum, ut in adsignatis cuique rebus cura adhiberi possit impensior. DONATION OF FLAVIA XANTHIPPE: P. Ital. 17. Here the gift is made 'in omnes mansionarios essentibus et introeuntibus perenniter basilicae Dei genetricis Mariae quae appellatur ad praesepem'.

71. THE CHURCHES OF CONSTANTINOPLE: Just. Nov. iii §§1-2, 535, ἐν δὲ ταῖς ἄλλαις ἀπάσαις ἐκκλησίαις, ὧν τὴν χορηγίαν ἡ ἀγιωτάτη μεγάλη ἐκκλησία ποιεῖται, θεσπίζομεν τοὺς μὲν νῦν ὄντας μένειν ὁμοίως καὶ αὐτοὺς ἐπὶ σχήματος, τοῦ δὲ λοιποῦ μὴδὲνα χειροτονεῖσθαι, πρὶν ἂν εἰς τὸ καλούμενον στατοῦτον ἐκάστης ἐκκλησίας, ὅπερ ἐξ ἀρχῆς ὥρισται παρὰ τῶν ταύτας οἰκοδομησάμενων, ὁ τῶν πρεσβυτέρων τε καὶ διακόνων, ἀρχόνων τε καὶ θηλειῶν, καὶ ὑποδιακόνων καὶ ἀναγνώστων καὶ ψαλτῶν καὶ πυλῶν ἀριθμὸς περισταῖ . . . ἀλλ' οὐδὲ ἐν ταῖς ἐκκλησίαις ταῖς ἄλλαις, ὅσαι μὴ τὴν τροφὴν καὶ χορηγίαν ἔχουσιν ἐκ τῆς ἀγιωτάτης μεγάλης ἐκκλησίας, προσῆκόν ἐστι πλῆθος ἐπαφίεναι τῶν χειροτονουμένων ἐν αὐταῖς, οὐδὲ ὑπερβαίνειν τοῦ λοιποῦ τὸ τεταγμένον ἐξ ἀρχῆς καὶ ἐπ' ἐκείναις μέτρον.

72. C. Aurel. III, can. 5, si quae oblationes in quibuslibet rebus atque corporibus collatae fuerint basilicis in civitatibus constitutis, ad potestatem episcopi redigantur, et in eius sit arbitrio quid ad reparationem basilicae aut observantium ibi substantiam deputetur; de facultatibus vero parochiarum vel basilicarum in pagis civitatum constitutis singulorum locorum consuetudo servetur. LIBANUS: Theod. Hist. Rel. xvii. CHURCHES BUILT BY LANDOWNERS: Joh. Chrys. Hom. in Act. xviii. 4, Gelasius, Ep. 34-5, C. Aurel. IV, can. 33 (cited in n. 68). CHURCHES BUILT FOR PROFIT: C. Bracar. II, can. 6, placuit ut si quis basilicam non pro devotione fidei, sed pro quaestu cupiditatis aedificat, ut quidquid ibidem oblatione populi colligitur medium cum clericis dividat, eo quod basilicam in terra sua ipse condiderit, quod in aliquibus locis usque

modo dicitur fieri; hoc ergo de cetero observari debet, ut nullus episcoporum tam abominabili voto consentiat, ut basilicam quae non pro sanctorum patrocinio, sed magis sub tributaria conditione est condita, audeat consecrare.

73. BASIL'S HOSPITALS: Greg. Naz. *Or.* xliii. 63. JUSTINIAN'S HOSPITAL: Cyr. Scyth. *V. Sabae*, 73. CHARITABLE INSTITUTIONS OWN PROPERTY: *CJ* I. ii. 17 §2 (Anastasius), Just. *Nov.* vii §1, 535, *cx* §§1, 5-7, 544; independent institutions are clearly distinguished from those managed by the bishop in *Nov.* *cx* §6, *καὶ εἰ μὲν ἀγιώταται ὧσιν ἐκκλησίαι ἢ ἕτεροι εὐαγεῖς οἴκοι, ὧν τὴν διοίκησιν ὁ κατὰ τόπον ὁσιώτατος ἐπίσκοπος ἢ δι' ἑαυτοῦ ἢ διὰ τοῦ εὐαγοῦς αὐτοῦ κλήρον ποιεῖται, κατὰ γνώμην αὐτοῦ καὶ συναίνεσιν γίνεσθαι τὸ τοιοῦτον συνάλλαγμα . . . εἰ δὲ πτωχεῖα ἢ ξενῶνες ἢ νοσοκομεῖα ἢ ἕτεροι εὐαγεῖς οἴκοι ὧσιν ἰδίαν διοίκησιν ἔχοντες, εἰ μὲν ἀγίους εὐκτηρίους οἴκους εἶναι συμβαίη, κατὰ γνώμην τοῦ πλείονος μέρους τῶν ἐκεῖσε λειτουργούντων κληρικῶν, οὐ μὴν ἀλλὰ καὶ τοῦ οἰκονόμου, εἰ δὲ ξενῶν ἢ πτωχείων ἢ νοσοκομείων ἢ ἕτερος εἴη εὐαγῆς οἶκος, τὸν προσετώτα τούτων τὸ συνάλλαγμα ποιεῖσθαι.*

74. OECONOMI: *C. Chalc.* can. 26 (*A.C.Oec.* II. i. 359); by the end of the sixth century the office had been introduced into some Western churches (Greg. *Ep.* III. 22, XIV. 2). From the functions assigned in hagiography to St. Laurence (cf. Aug. *Serm.* 302 §8, 303 §1) it has often been inferred that the archdeacon was the financial manager in Western churches, but there is no good evidence for this. In Gelasius, fr. 23-4, the archdeacon and a *defensor* are given special authority to restore the finances of the church of Volaterrae, but this is because the present bishop was not trustworthy; and the trouble was due to the mismanagement of earlier bishops. A bishop might of course delegate his powers to one of his clergy, as in Ennod. *V. Epiph.* 337, where the junior deacon Epiphanius is put in charge of the church finances. THE DIVIDEND UNDER CYPRIAN: Cyprian, *Ep.* 7, *sumptus suggeratis ex quantitate mea propria quam apud Rogatianum compresbyterum nostrum dimisi*, 39, *ut et sportulis idem cum presbyteris honorentur et divisiones mensurnas aequatis quantitati- bus partiantur.*

75. THE ROMAN FOURFOLD DIVISION: Simplicius, *Ep.* 1, Gelasius, *Ep.* 14 §27, *quattuor autem tam de redivit quam de oblatione fidelium, prout cuiuslibet ecclesiae facultas admittit, sicut dudum est rationabiliter decretum, convenit fieri portiones. quarum sit una pontificis, altera clericorum, pauperum tertia, quarta fabricis applicanda*; 15, 16, cf. fr. 23, 24, Greg. *Ep.* XI. 56<sup>a</sup>, cf. IV. 11, V. 12, 27, 48, VIII. 7, XIII. 46. RAVENNA: Agnellus, *Lib. Pont. Eccl. Rav.* 60. SPAIN: *C. Bracar.* I, can. 7, *item placuit, ut ex rebus ecclesiasticis tres aequae fiant portiones, id est una episcopi, alia clericorum, tertia in recuperationem vel in luminaria ecclesiae.* GAUL: *C. Aurel.* I, can. 14, *antiquos canones relegentes priora statuta credidimus renovanda, ut de his quae in altario oblatione fidelium conferuntur, medietatem sibi episcopus vindicet, et medietatem dispensandam sibi secundum gradus clerus accipiat, praediis de omni commo- ditate in episcoporum potestate durantibus.*

76. DIVISION AMONG THE CLERGY: Greg. *Ep.* VIII. 7, *et quia inter alia de quarta portione clerus hoc tenendum statuit ut unam portionem hi qui in sacro loco sunt positi et reliquas duas clerus accipiat et latores praesentium Donatus presbyter nec non et Theodosianus atque Viator diacones aliorum quoque qui in sacrato sunt ordine constituti relationem ad nos deferentes conquesti sunt hoc contra antiquam consuetudinem in suo gravamine praeiudicialiter statutum, quippe quia de eadem quarta semper duas se partes et tertiam clerum se perhibent consecutum.*

77. DIVIDENDS IN THE EAST: Sev. Ant. *Ep.* i. 57, cf. *Can. Apost.* 4, ἡ ἄλλη πᾶσα ὁπώρα εἰς οἶκον ἀποστελλέσθω, ἀπαρχὴ τῷ ἐπισκόπῳ καὶ τοῖς πρεσβυτέροις, ἀλλὰ μὴ πρὸς τὸ θυσιαστήριον. ὁῦλον δέ, ὡς ὁ ἐπίσκοπος καὶ οἱ πρεσβύτεροι ἐπιμερίζουσι τοῖς διακόνοις καὶ τοῖς λοιποῖς κληρικοῖς, and Just. *Nov.* iii §2, 535, where the clergy of the independent (and perhaps unendowed) churches of Constantinople are spoken of as τοὺς προσιόντας αὐτοῖς παρὰ τῶν εὐσεβοῦντων πόρους μεριζόμενοι. FINANCIAL DIFFICULTIES OF THE GREAT CHURCH ETC.: Just. *Nov.* iii pr. §1, 535, Sev. Ant. *Ep.* i. 8, 17. From *Nov.* iii pr. it appears that in the East founders of churches normally laid down an exact establishment of clergy and supplied endowments accordingly; this suggests that they specified fixed stipends payable from the endowment. THEODORE OF SYCEON'S SALARY: *V. Theod. Syc.* 78.

78. *CJ* i. ii. 17 §2, καὶ ἐπὶ μὲν τῶν ἐκκλησιῶν παρόντων τῶν οἰκονόμων καὶ τῶν ἐνδημούντων κληρικῶν, ἐπὶ δὲ τῶν μοναστηρίων δεῖ παρεῖναι τοὺς ἡγουμένους καὶ τοὺς ἄλλους μονάχους, ἐπὶ δὲ τῶν πτωχείων τοῦ διοικητοῦ καὶ τῶν ὑπουργούντων καὶ τῶν πτωχῶν, ἐπὶ δὲ τῶν ξενόνων τοῦ διοικητοῦ καὶ τῶν εὐρισκομένων πάντων ὑπουργῶν τῆς διοικήσεως καὶ ὁμοίως ἐπὶ τῶν ὀρφανοτροφείων, ὥστε κρατεῖν τὸ τοῖς πλεόσιν ἀρέσκειν· συνανοῦντος καὶ τοῦ ἐπισκόπου τῶν τόπων, ἐν οἷς τοῦτο σύνθηες ἐπιγίνεσθαι. So also in Just. *Nov.* cxx §6, 544, the financial administrators of churches and institutions could grant perpetual emphyteutic leases, having taken an oath before the bishop that the lease would not be detrimental to their finances.

79. AFRICAN RULE: *Cod. Can. Eccl. Afr.* 33 (cited above in n. 63); cf. the Roman council of 502 cited in n. 70, *C. Epao.* can. 7, quidquid parochiarum presbyteri de ecclesiastici iuris possessione distraxerint inane habeatur et vacuum, in venditorem comparantis actione vertenda. EPISCOPAL CONTROL OF LOCAL ENDOWMENTS: *C. Aurel.* i, can. 15, de his quae parochiis in terris, vineis, mancipiis atque pecuniis quicumque fideles obtulerint antiquorum canonum statuta serventur, ut omnia in episcopi potestate consistant; de his tamen quae in altario accesserint, tertia fideliter episcopis deferatur; *C. Carp.*, hoc nobis iustum et rationabile visum est, ut si ecclesia civitatis eius cui episcopus praestitit ita est idonea ut Christo propitio nihil indigeat, quidquid parochiis fuerit derelictum, clericis qui ipsis parochiis deserviunt vel reparationibus ecclesiarum rationabiliter dispensentur; si vero episcopum multas expensas et minorem substantiam habere constiterit, parochiis quibus largior fuerit collata substantia, hoc tantum quod clericis vel sartis tectis rationabiliter sufficiat reservetur: quod autem amplius fuerit, propter maiores expensas episcopus ad se debeat revocare, ita tamen ut nihil de facultatibus ipsa vel de ministerio clerici loci ipsius licentiam habeant minuendi; *C. Aurel.* iii, can. 5 (cited in n. 72), *C. Aurel.* v, can. 15 (Childebert's hospital), *C. Tol.* iii, can. 19, multi contra canonum constituta sic ecclesias quas aedificaverint postulandis consecrari, ut dotem quam ei ecclesiae contulerint censeant ad episcopi ordinationem non pertinere, quod factum et in praeterito displicet et in futurum prohibetur; sed omnia secundum constitutionem antiquam ad episcopi ordinationem et potestatem pertineant; *C. Tol.* iv, can. 33, pro qua re constitutum est a praesenti concilio, episcopos ita dioeceses suas regere, ut nihil ex earum iure praesumant auferre, sed iuxta priorum auctoritatem conciliorum tam de oblationibus quam de tributis ac frugibus tertiam consequantur; quod si amplius quidpiam ab eis praesumptum extiterit, per concilium restauretur, appellantis aut ipsis conditoribus, aut certe propinquis eorum, si iam illi a saeculo decesserunt. noverint autem conditores basilicarum in rebus, quas eisdem ecclesiis conferunt, nullam potestatem habere, sed iuxta canonum constituta sicut ecclesiam ita et dotem eius ad ordinationem episcopi pertinere.

80. THE BISHOP'S THIRD OF PAROCHIAL OFFERINGS: *C. Aurel.* I, can. 15 (cited in n. 79), *C. Tarrac.* can. 8, multorum casuum experientia magistrante reperimus nonnullas dioecesanās esse ecclesias destitutas; ob quam rem id constitutione decrevimus, ut antiquae consuetudinis ordo servetur, et annuis vicibus ab episcopo dioeceses visitentur, ut si qua forte basilica reperta fuerit destituta, ordinatione ipsius reparetur; quia tertia ex omnibus per antiquam traditionem ut accipiat ab episcopis novimus statutum; *C. Bracar.* II, can. 2, placuit ut nullus episcoporum, cum per suas dioeceses ambulat, praeter honorem cathedrae suae, id est duos solidos, aliquid aliud per ecclesias tollat, neque tertiam partem ex quacumque oblatione populi in ecclesiis parochialibus requirat; sed illa tertia pars pro luminariis ecclesiae vel recuperatione servetur, ut singulis annis episcopo inde ratio fiat; nam si tertiam partem illam episcopus tollat, lumen et sacra tecta abstulit ecclesiae; *C. Tol.* IV, can. 33 (cited in n. 79).

81. THE ROMAN CLERGY IN THE THIRD CENTURY: Eus. *HE* VI. 43. CONSTANTINE'S DONATIONS: *Lib. Pont.* XXXIV. AGORIUS PRAETEXTATUS AND DAMASUS: Jerome, *c. Job. Hierosol.* 8. THE LUXURY OF THE POPES: Amm. XXVII. III. 14-15, neque ego abnuo, ostentationem rerum considerans urbanarum, huius rei cupidos ob impetrandum, quod appetunt, omni contentione laterum iurgare debere, cum id adepti, futuri sint ita securi ut ditentur oblationibus matronarum, procedantque vehiculis insidentes circumspecte vestiti, epulas curantes profusas adeo ut eorum convivia regales superent mensas. qui esse poterant beati re vera, si magnitudine urbis despecta, quam vitiis opponunt, ad imitationem antistitum quorundam provincialium viverent, quos tenuitas edendi potandique parcissime, vilitas etiam indumentorum et supercilia humum spectantia perpetuo numini verisque eius cultoribus ut puros commendant et verecundos.

82. ANTIOCH: Joh. Chrys. *Hom. in Matth.* LXVI. 3. HIPPO: Aug. *Ep.* 126 §7. ALEXANDRIA: *A.C.Oec.* I. IV. 222-5, *V. Job. Eleem.* 45.

83. Just. *Nov.* CXXIII §3, 546. RAVENNA: Agnellus, *Lib. Pont. Eccl. Rav.* 60. ANASTASIOPOLIS: *V. Theod. Syc.* 78. MELOE: Sev. Ant. *Ep.* I. 4 (cf. I. 23 for Musonius's see).

84. For comparative figures see ch. XII, n. 65 (governors), ch. XIV, n. 70 (assessors), ch. XVII, nn. 33, 35, 147 (soldiers), ch. XXIV, n. 59 (doctors), ch. XXIV, n. 39 (professors). PENSIONS FOR DEPOSED BISHOPS: *A.C.Oec.* II. I. 414 (Ephesus), II. 113 (Antioch).

85. Of the minor orders subdeacons, acolytes, exorcists, readers and doorkeepers already existed at Rome in the mid third century (Eus. *HE* VI. 43). Subdeacons, readers and acolytes are attested in Africa at the same period (Cyprian, *Ep.* 23, 29, 34, 35, 45, 47, etc.). The ceremonies whereby members of these orders and also singers (*cantores*) were ordained are described in *Stat. Eccl. Ant.* 5-10 (an African document of the early fifth century); the ceremonies give some indication of their ritual duties. Acolytes do not seem to have existed in the Greek-speaking churches (the ἀκόλουθοι of Just. *Nov.* lix §§2, 3 are professional mourners at funerals and not acolytes). The other orders are attested in the East from the fourth century, e.g. *CTh* XVI. II. 7, 330 (readers and subdeacons), *C. Ant.* can. 10 (exorcists, readers and subdeacons), *C. Laod.* can. 15, 23, 24, 26 (subdeacons, exorcists, doorkeepers and singers). *Fossiores* appear among the clergy of Cirta in 305 (*Opt. App.* I) and *fossarii* are the lowest clerical order in the pseudo-Jeromian *De septem ordinibus ecclesiae* (PL xxx. 150-1): cf. also *ILCV* 1316-23. *Copiatæ* are classed as *clerici* in *CTh*



XIII. i. 1, 356, XVI. ii. 15, 360; their function appears from Epiph. *Expos. fid.* 21 *κοπιῶνται οἱ τὰ σώματα περιστέλλοντες τῶν κοιμωμένων*, and Just. *Nov.* lix §2; they are mentioned with *lecticarii* at Antioch in S. G. F. Perry, *The Second Synod of Ephesus*, 296, 325. PARABALANI: *CTh* XVI. ii. 42, 416, 43, 418, parabalani qui ad curanda debiliū aegra corpora deputantur. For the *decani* and *lecticarii* who conducted funerals at Constantinople see below, n. 98. For the functions of deaconesses see Epiph. *adv. Haer.* lxxix. 3, *Expos. fid.* 21, Just. *Nov.* vi §6, 535, *Stat. Eccl. Ant.* 12. There were several attempts to abolish them in Merovingian Gaul, *C. Araus.* 1, can. 26, *C. Epaon.* can. 21, *C. Aurel.* II, can. 18. For regular promotion from lower to higher orders see below n. 104; that salaries were graded by orders is implied by *C. Aurel.* I, can. 14 (cited in n. 75). STIPENDS OF PRIESTS AND DEACONS: Gelasius, fr. 10; for a possible explanation see *JTS* XI (1960), p. 92.

86. *C. Aurel.* III, can. 18, de his vero clericorum personis quae de civitatensis ecclesiae officio monasteria, dioeceses vel basilicas in quibuscumque locis positas, id est sive in territoriis sive in ipsis civitatibus suscipiunt ordinandas, in potestate sit episcopi, si de eo quod ante de ecclesiastico munere habebant eos aliquid aut nihil exinde habere voluerit: quia unicuique facultas suscepti monasterii, dioecesis vel basilicae debet plena ratione sufficere. GREGORY, BISHOP OF MUTINA: Simplicius, *Ep.* 14. Similarly Musonius of Meloe contrasts the rich *diaria* of the Antiochene clergy with his wretched episcopal salary (*Sev. Ant. Ep.* I. 4).

87. POPE CORNELIUS'S LETTER: Eus. *HE* VI. 43. PRIESTS AND DEACONS IN AFRICA: Cyprian, *Ep.* 1. In *Ep.* 41, cumque ego vos pro me vicarios miserim, ut expungeretis necessitates fratrum nostrorum sumptibus istis, si qui vellent etiam suas artes exercere, additamento quantum satis esset desideria eorum iuvaretis, Cyprian is probably speaking of the lower clergy. READERS AT CIRTÀ: *Opt. App.* i.

88. For clerical immunity from the *collatio lustralis* see ch. XIII, n. 52; cf. Basil, *Ep.* 198, *καὶ γὰρ εἰ καὶ πολὺν ἀνθρώπων πῶς εἶναι δοκεῖ τὸ ἱερατεῖον ἡμῶν, ἀλλὰ ἀνθρώπων ἀμελετήτως ἐχόντων πρὸς τὰς ὁδοιπορίας διὰ τὸ μὴτε ἐμπορεύεσθαι μὴτε τὴν ἕξω διατριβὴν αἰρεῖσθαι, τὰς δὲ ἐδραίας τῶν τεχνῶν μεταχειρίζεσθαι τοὺς πολλοὺς, ἐκείθεν ἔχοντας τὴν ἀφορμὴν τοῦ ἐφημέριον βλῶν*. BAN ON CLERICAL TRADE: Val. III, *Nov.* xxxv §4, 452, iubemus ut clerici nihil prorsus negotiationis exercent; si velint negotiari sciant se iudicibus subditos clericorum privilegio non muniri, *C. Arel.* II, can. 14, cf. *C. Aurel.* III, can. 27. ALEXANDRIA AD ISSUM: *Sev. Ant. Ep.* I. 32. JERUSALEM: Cyr. Scyth. *V. Sabae*, 78. ALEXANDRIA: *V. Joh. Eleem.* 44A. Sidonius Apollinaris (*Ep.* VI. 8) mentions a humble merchant who was a *lector*.

89. THEODORE: *A.C.Oec.* II. i. 211-12. MARINUS AND ELEUTHERIUS: *Sev. Ant. Ep.* I. 17, VII. 6, cf. I. 8 and Just. *Nov.* iii pr. §§2-3, 535. THE JUDGMENT OF FELIX IV: Agnellus, *Lib. Pont. Eccl. Rav.* 60; if the priests and deacons got two-thirds of the clergy's share, as they claimed at Catana (*Greg. Ep.* VIII. 7), 21 persons would have shared 2000 solidi.

90. COLONI PRIESTS OF CHURCHES ON ESTATES: *CTh* XVI. ii. 33, 398, ecclesias quae in possessionibus ut adsolet diversorum, vicis etiam vel quibuslibet locis sunt constitutae, clerici non ex alia possessione vel vico sed ex eo ubi ecclesiam esse constiterit eatenus ordinentur ut propriae capitationis onus ac sarcinam recognoscant, *CJ* I. iii. 16, 409, quisquis censibus fuerit adnotatus, invito agri domino ab omni temperet clericatu, adeo ut etiam, si in eo vico, in quo noscitur

mansitare, clericus fuerit, sub hac lege religiosum adsumat sacerdotium, ut et capitationis sarcinam per ipsum dominum agnoscere compellatur et ruralibus obsequiis quo maluerit subrogato fungatur, ea scilicet immunitate indulta, quae certae capitationis venerandis ecclesiis relaxatur, Just. *Nov.* cxxiii §17, adscripticios autem in ipsis possessionibus quarum sunt adscripticii clericos et praeter voluntatem dominorum fieri permittimus, ita tamen ut clerici facti impositam sibi agriculturam adimpleant; cf. Gelasius, *Ep.* 21, for a slave priest on his owner's estate, and *P. Lond.* 778 for a deacon who is an ἐναπόγραφος γεωργός. There is an interesting passage in Barsanuphius (p. 351) on the question whether the clergy in villages should be liable τῇ κοσμηκῇ λειτουργίᾳ τῇ τε σωματικῇ καὶ τῇ χρηματικῇ. For *capitatio* see below n. 101. ENDOWMENTS OF PAROCHIAE: Greg. *Ep.* II. 9, IX. 58, 71, 180. For the bishop's third see above n. 80. CATHEDRATICUM: Gelasius, fr. 20, cathedratum etiam non amplius quam vetusti moris esse constitit ab eius loci presbytero noveris exigendum, Pelagius I, *Ep.* 32, 33, sed aliud eum cavere districte fecimus ut non amplius de parochiis suis quam binos solidos annuos sub qualibet occasione praesumat accipere, *C. Bracar.* II, can. 2, placuit ut nullus episcoporum, cum per suas dioeceses ambulat, praeter honorem cathedrae suae, id est duos solidos, aliquid aliud per ecclesias tollat, *C. Tol.* VII, can. 4. For other exactions of bishops on parishes see *C. Tol.* III, can. 20, Pelagius I, *Ep.* 32, illud te modis omnibus volumus custodire, ne quis episcoporum Siciliae de parrochiis ad se pertinentibus nomine cathedratici amplius quam duos solidos praesumat accipere neque compellere presbyteros aut clerum parrochiarum suarum supra vires suas eis convivia praeparare.

91. SILVANUS OF CIRTA AND MAJORINUS: Opt. *App.* i. BASIL'S CHOREPISCOPI: Bas. *Ep.* 53-4. ANTONINUS OF EPHEBUS: Pall. *Dial.* pp. 84, 90-1. Ibas of Edessa was also accused of simony (*A.C.Oec.* II. i. 383). The earliest denunciation of simony in general terms seems to be in *Ep. ad Gallos*, 10, meritis enim et observandae legis ad istiusmodi dignitatis artem accedant, non Simonis pecunia vel gratia quis poterit pervenire aut favore populi: non enim quid populus velit sed quid evangelica disciplina perquiritur. plebs tunc habet testimonium, quoties ad digni alicuius meritum reprehendens aurem favoris impetit.

92. SIMONY CONDEMNED AT CHALCEDON: *A.C.Oec.* II. i. 354 (can. 2); AT ARLES: *C. Arel.* II, can. 54; also at the council of Constantinople in 459 (Mansi, VII. 911-6), of Rome in 499, 501, 502 (*MGH (AA)* XII. 399 ff., cf. Cass. *Var.* IX. 15), of Orleans in 533 (*C. Aurel.* II, can. 3, 4) and 549 (*C. Aurel.* V, can. 10), of Tours in 567 (*C. Tur.* II, can. 27). Imperial laws begin with *CJ* I. III. 31, 472. For obtaining orders or promotion therein by patronage see the cases cited in n. 89, and also Felix IV's judgment on Ravenna, 'clerici vero vel monachi ad indebitum obtinendum ordinem vel locum potentium patrocina non requirant, per quae aut non faciendo ingratus aut faciendo iniustus videatur episcopus' (Agnellus, *Lib. Pont. Eccl. Rav.* 60). For graft and intimidation in episcopal elections see *C. Arvern.* I, can. 2, non patrocina potentum adhibeat, non calliditate subdola ad conscribendum decretum alios hortetur praemiis, alios timore compellat, *C. Aurel.* V, can. 10, ut nulli episcopatum praemiis aut comparatione liceat adipisci, 11, nec per oppressionem potentium personarum ad consensum faciendum cives aut clerici, quod dici nefas est, inclinentur. For the scandals of papal elections see the proceedings under Odoacer and Theoderic (*MGH (AA)* XII. 399 ff.), and Cass. *Var.* IX. 15.

93. INSINUATIVA: Just. *Nov.* lvi, 537, cxxiii §16, 546. FEES OF ASSISTANTS OF ORDAINING BISHOP: Just. *Nov.* cxxiii §16, 546, sed neque clericum cuiuscumque

gradus dare aliquid ei a quo ordinatur aut alii cuilibet personae permittimus, solas autem praebere eum consuetudines his qui ordinanti ministrant ex consuetudine accipientibus, unius anni emolumenta non transcendentes. in sancta vero ecclesia, in qua constituitur sacrum complere ministerium, nulla penitus propriis conclericis dare pro sua insinuatione, neque ob hanc causam propriis emolumentis aut aliis portionibus hunc privari.

94. CONSECRATION FEES: *A.C.Oec.* II. i. 457 (Eusebius's complaint), *Just. Nov.* cxxiii §3, 546 (Justinian's regulations).

95. Loewenfeld, *Ep. Pont. Rom. Ined.* 22.

96. NUMBERS OF CLERGY: *Eus. HE* VI. 43 (Rome), *Opt. App.* i (Cirta). CONSTANTINE'S LAW: *CTh* XVI. ii. 6, 326. THE CANON OF CHALCEDON: *A.C.Oec.* II. i. 355 (can. 6), *μηδένα δὲ ἀπολελυμένως χειροτονεῖσθαι μήτε πρεσβύτερον μήτε διάκονον μήτε ὄλως τινὰ τῶν ἐν τῷ ἐκκλησιαστικῷ τάγματι, εἰ μὴ ἰδικῶς ἐν ἐκκλησίᾳ πόλεως ἢ κόμης, ἢ μαρτυρίῳ ἢ μοναστηρίῳ ὁ χειροτονούμενος ἐπικηρύττειτο.*

97. NUMBERS OF CLERGY: *A.C.Oec.* III. 103-6 (Apamea), Agnellus, *Lib. Pont. Eccl. Rav.* 60 (Ravenna), *Just. Nov.* iii §1, 535 (Constantinople). Cf. n. 100 for Edessa.

98. PARABALANI: *CTh* XVI. ii. 42, 416, 43, 418. DECANI: *CJ* I. ii. 4, 409, 18 (Anastasius), *Just. Nov.* xliii, 536, lix, 537; the history of the institution is given in the proem of the last novel. Cf. *P.Land.* 154.

99. For the *oeconomus* see above n. 74; for managers of the papal patrimonies see ch. XX, n. 45. SACRISTS: *Soz.* v. 8, *A.C.Oec.* II. i. 129, *οἱ ἐλαβέστατοι πρεσβύτεροι Μένων ὁ σκευοφύλαξ καὶ Ἐπιφάνιος*, 387, *διάκονος ἀπὸ κειμηλιοφυλάκων*. KEEPERS OF THE ARCHIVES: *A.C.Oec.* III. 59, *διάκονος νοτάριος καὶ χαρτοφύλαξ*. Besides the heads of the endowed hospitals etc. (see above n. 73) we find hospitallers on the staff of cathedral churches, like the priest Isidore (*Pall. Dial.* p. 35), *ξενοδόχον Ἀλεξανδρείας*. In the East notaries and *defensores* (*ἐκδικοί, ἐκκλησιέκδικοί*) held all the canonical orders concurrently with their office (e.g. *A.C.Oec.* II. i. 164, 206, 209, *ἀναγνώστης καὶ νοτάριος*, 153, 221, 428, *διάκονος καὶ νοτάριος*, 204, *ἀρχιδιάκονος τῆς βασιλευσούσης Κωνσταντινουπόλεως νέας Ῥώμης καὶ περιμικρὸς νοταρίων*, 82, *πρεσβύτερος Ἀλεξανδρείας καὶ πρῶτος νοταρίων*, 102, *πρεσβύτερος καὶ ἐκδικος*). In the West they seem to be regarded almost as minor orders by Gelasius (*Ep.* 14 §2, *continuo lector vel notarius aut certe defensor effectus, post tres menses existat acolythus*), but in Val. III, *Nov.* xxxv §5, 452, *defensores ecclesiae* are distinguished from *clerici*, though closely associated with them, and from Zosimus, *Ep.* 9 §3 (*sane ut etiam defensores ecclesiae qui ex laicis fiunt supradicta observatione teneantur si meruerint esse in ordine clericatus*) it appears that they might when appointed be laymen or clerics (in minor orders), and often, perhaps normally, took minor orders. Cf. the letter of appointment in Greg. *Ep.* v. 26, *ut si nulli condicioni vel corpori teneris obnoxius nec fuisti clericus alterius civitatis aut in nullo tibi canonum obviant statuta, officium ecclesiae defensoris accipias*; in another letter of appointment (Greg. *Ep.* ix. 97) the conditional clause does not appear, because Vitus was already a cleric of the Roman church (*Ep.* ix. 118). *Notarii* similarly held minor orders (e.g. *A.C.Oec.* III. 52, 136, 152, *ἀναγνώστης καὶ σεκουνδοκήριος νοταρίων τοῦ ἀποστολικοῦ θρόνου τῆς πρεσβυτέρας Ῥώμης*). *Defensores* were often promoted to be subdeacons and deacons, and went on doing the same kind of administrative work as hitherto, but were no longer styled *defensores* (e.g. Boniface in Greg. *Ep.* VIII. 16, XIII. 41, and Peter in VI. 24,

I, I. 3, v. 28 etc.). Both *notarii* and *defensores* at Rome were organised in *scholae* (Greg. *Ep.* viii. 16). For the duties of *notarii* see *Lib. Pont.* xxxvi and Agnellus, *Lib. Pont. Eccl. Rav.* 60. For those of *defensores* see Just. *Nov.* lxxiv §4, 538, cxvii §4, 542 (registration of marriages), *A.C.Oec.* II. i. 102, 132-5, 157 ff. (service of a summons to an accused person), III. 168, *προσβύτερος καὶ ἐκκλησιέκδικος καὶ ἐπὶ τῶν φυλακῶν*, *A.C.Oec.* II. i. 358 (*C. Chalc. can.* 23), *CJ* I. iii. 41 §26, 528, Just. *Nov.* cxxxiii §5, 539 (disciplinary measures against clergy and monks), cf. *V. Joh. Eleem.* 24 (the *ἐκκλησιέκδικος* of Alexandria flogs a monk), *V. Dan.* 19 (the *ἐκδικος* ἅμα δεκάνους arrests Daniel), Loewenfeld, *Ep. Pont. Rom. Ined.* 34-5 (two *defensores* sent to arrest a bogus bishop), Pelagius I, *Ep.* 27, omnimoda enim et illius habitus et istius officii diversitas est. illic enim quies, oratio, labor manuum, at hic causarum condicio, conventiones, actus, publica litigia, et quaecumque vel ecclesiastica instituta vel supplicantium necessitas poscit. Both *notarii* and *defensores* were extensively used in the administration of the Roman patrimony (see ch. XIII, n. 45). These clerical *defensores* have no connection with the barristers who were appointed *defensores ecclesiae* in Africa in 407 (*Cod. Can. Eccl. Afr.* 97, *CTh* xvi. ii. 38, 407).

100. CLERGY OF EDESSA: *A.C.Oec.* II. i. 386, ἔστιν ὁ κληρὸς ἡμῶν μικρῶ πρός διακοσίων ὀνομάτων ἢ καὶ πλείωνων· οὐδὲ γὰρ σώζω τὸν ἀριθμὸν: contrast the testimonial to Ibas παρὰ παντὸς τοῦ κλήρου τῆς Ἐδεσσηνῶν μητροπόλεως with its 65 signatures (*A.C.Oec.* II. i. 394-6). CLERGY OF CARTHAGE: Victor Vit. III. 34, universus clerus ecclesiae Carthaginis, caede inediaque maceratus, fere quingenti et amplius, inter quos quam plurimi erant lectores infantuli.

101. Immunity from *collatio lustralis*, see ch. XIII, n. 52. IMMUNITY FROM CAPITATIO: *Leges saeculares*, 117 (FIR II<sup>a</sup>. 794), beatus rex Constantinus . . . liberavit κληρικούς omni tributo ut neque argentum capitis dent neque χρυσάγνυρον, *CTh* xvi. ii. 10, 346 (S), quod et coniugibus et liberis eorum et ministeriis, maribus pariter ac feminis, indulgemus, quos a censibus etiam iubemus perseverare immunes, 14, 356 (S), omnibus clericis huiusmodi praerogativa succurrat, ut coniugia clericorum ac liberi quoque et ministeria, id est mares pariter ac feminae, eorumque etiam filii immunes semper a censibus et separati ab huiusmodi muneribus perseverent, Greg. Naz. *Ep.* 67, τοὺς περὶ ἐμὲ κληρικούς ὅσους παρητησάμην τῆς ἀπογραφῆς ἐλευθέρωσον . . . ἄλλαις μὲν πόλεσι πάντας τοὺς περὶ τὸ βῆμα δοθῆναι, ἡμῖν δὲ μηδὲ τοὺς σόνοντας καὶ θεραπεύοντας, Bas. *Ep.* 104, τοὺς τῷ θεῷ ἡμῶν ἱερωμένους προσβυτέρους καὶ διακόνους ὁ παλαιὸς κῆρυξ ἀτελεῖς ἀφήκεν· οἱ δὲ νῦν ἀπογραφάμενοι, ὡς οὐ λαβόντες παρὰ τῆς ὑπερφρυοῦς σου ἐξουσίας (sc. Modestus, *Pro Or.*) πρόσταγμα, ἀπεγράψαντο πλὴν εἰ μὴ ποῦ τινες ἄλλων εἶχον ὑπὸ τῆς ἡλικίας τὴν ἄφρσιν· δεόμεθα οὖν . . . συγχωρηθῆναι κατὰ τὸν παλαιὸν νόμον τῆς συντελείας τοὺς ἱερατεύοντας, καὶ μὴ εἰς πρόσωπον τῶν νῦν καταλαμβανομένων γενέσθαι τὴν ἄφρσιν (οὕτω γὰρ εἰς τοὺς διαδόχους ἡ χάρις μεταβιβάζεται, οὐδὲ οὐ πάντως συμβαίνει τοῦ ἱερατεῦεν ἀξίους εἶναι) ἀλλὰ κατὰ τὸν ἐν τῇ ἐλευθέρᾳ ἀπογραφῇ τύπον κοινήν τινα συγχώρησιν κληρικῶν γενέσθαι. In these texts the immunity appears to be universal, but in *CTh* xvi. ii. 33, 398 (cited in n. 90), the rural clergy have to pay *capitatio*, and in *CJ* I. iii. 16, 409 (also cited in n. 90), immunity is limited to a fixed number. IMMUNITY FROM HOSPITIUM, PARANGARIA AND MUNERA PERSONALIA: *CTh* xvi. ii. 8, 343, 10, 346 (S), 14, 356 (S), 24, 377. LIABILITY TO LAND TAX: *CTh* xvi. ii. 15, 360 (cited in n. 65). For immunity from the *curia* see pp. 745-6.

102. PROHIBITION OF MIGRATION: *C. Arel.* I, can. 2, 21, *C. Nic.* can. 15, 16, *C. Sard.* can. 15, etc.

103. SIRICIUS, *Ep.* I §§9-10. ZOSIMUS, *Ep.* 9 §3.

104. ZOSIMUS, *Ep.* 9 §1, si enim officia saecularia principem locum non vestibulum actionis ingressis sed per plurimos gradus examinato temporibus deferunt, quis ille tam arrogans, tam impudens invenitur ut in caelesti militia, quae pensius ponderanda est et sicut aurum repetitis ignibus exploranda, statim dux esse desideret cum tiro non ante fuerit? PETER OF APAMEA: *A.C.Oec.* III. 94, cf. Sev. Ant. *Ep.* I. 32, for the subdeacons of Alexandria ad Issum.

105. CYRIL AND THE AGENS IN REBUS: *A.C.Oec.* II. i. 211-12; for Felix IV's warning see above n. 92, and for Severus of Antioch, n. 89.

106. ORDINATION OF CLERGY ON ESTATES: *CTb* XVI. ii. 33, 398, *CJ* I. iii. 16, 409 (cited in n. 90). PRESENTATION OF CLERGY BY FOUNDER OR PATRON: *C. Araus.* I, can. 10, si quis episcoporum in alienae civitatis territorio ecclesiam aedificare disponit, vel pro fundi sui negotio aut ecclesiastica utilitate vel pro quacumque sua opportunitate, permissa licentia aedificandi, quia prohibere hoc votum nefas est, non praesumat dedicationem, quae illi omnimodis reservatur in cuius territorio ecclesia assurgit, reservata aedificatori episcopo hac gratia, ut quos desiderat clericos in re sua videre, ipsos ordinet is cuius territorium est, vel si ordinati iam sunt ipsos habere acquiescat; *C. Aurel.* IV, can. 7, ut in oratoriis domini praediorum minime contra votum episcopi, ad quem territorii ipsius privilegium noscitur pertinere, peregrinos clericos intromittant, nisi forsitan quos probatos ibidem districtio pontificis observare praeceperit; Just. *Nov.* lvii §2, 537. Cf. Gelasius, *Ep.* 41, where the pope agrees to ordain a monk presented by the landlord for the church on his estate.

107. EUTHALIUS: Theod. *Ep.* (Azema) 33; other instances will be given below of men who took orders after pursuing a secular career. INFANT CLERGY: Siricius, *Ep.* I §9, Zosimus, *Ep.* 9 §3. COUNCIL OF MOPSUESTIA: Mansi, IX. 179-83.

108. PINIANUS: Aug. *Ep.* 125-6. FORCIBLE ORDINATION OF CHILDREN: Maj. *Nov.* xi, 460.

109. TRANSLATION OF BISHOPS: *C. Nic.* can. 15, *C. Ant.* can. 21, Soc. VII. 36.

110. LAYMEN NOT TO BE CONSECRATED: *C. Sard.* can. 10, Siricius, *Ep.* I §§9-10, Innocent, *Ep.* 37 §5, Zosimus, *Ep.* 9 §1, Celestine, *Ep.* 4 §3, Leo, *Ep.* 12 §4, 14 §§3, 6, Just. *Nov.* vi §1, 535.

111. SIDERIUS: Syn. *Ep.* 67. Gregory of Nyssa (*Ep.* 17) wrote to the Nicomedians deploring the preference given to birth, wealth and rank in the choice of bishops; the apostles, he says, were not consuls, *magistri militum* or praetorian prefects, or famous rhetoricians or philosophers.

112. *V. Theod. Syc.* 58, 78-9.

113. AMBROSE: Paul. *V. Amb.* 6 ff. CYRUS: Malalas, 361-2. BASSIANUS: *A.C.Oec.* II. i. 405. EXCOMMUNICATION OF BISHOPS WHO REFUSED SEES: *C. Ant.* can. 17.

114. AUGUSTINE: Poss. *V. Aug.* 8, Aug. *Ep.* 31; Augustine later realised that his consecration was contrary to the canons of Nicaea (the allusion is to *C. Nic.* can. 8, *ἵνα μὴ ἐν τῇ πόλει δύο ἐπίσκοποι ὦσιν*), but he nevertheless had his successor preelected (but not consecrated) during his own lifetime (Aug. *Ep.* 213). ROMAN COUNCIL OF 465: Hilarus, *Ep.* 14-6: the practice had been condemned earlier by *C. Ant.* can. 23. PORPHYRY OF GAZA: *V. Porph.* 11-12.

115. *C. Anc.* can. 18, εἰ τινες ἐπίσκοποι κατασταθέντες καὶ μὴ δεχθέντες ὑπὸ τῆς παροικίας ἐκείνης, εἰς ἣν ὠνομάσθησαν, ἐτέραις βούλουντο παροικίας ἐπιέναι καὶ βιάζεσθαι τοὺς καθεστῶτας καὶ στάσεις κινεῖν κατ' αὐτῶν, τοὺτους ἀφορίζεσθαι, *C. Ant.* can. 18, cf. 16, εἰ τις ἐπίσκοπος σχολάζων ἐπὶ σχολάζουσιν ἐκκλησίαν ἑαυτὸν ἐπιδύνας ὑφαρπάξει τὸν θρόνον δίχα συνόδου τελείας, τοῦτον ἀπόβλητον εἶναι, καὶ εἰ πᾶς ὁ λαός, ὃν ὑφῆρπασεν, ἔλοιτο αὐτόν. THE METROPOLITAN OF ACHAEA: Leo, *Ep.* 13. SISINNIIUS: *SOC.* VII. 28.

116. AMBROSE: Paul. *V. Amb.* 6-7. MARTIN: Sulp. Sev. *V. Mart.* 9.

117. BASSIANUS: *A.C. Oec.* II. i. 408.

118. ELECTION OF DAMASUS: *Amm.* XXVII. iii. 12, *Coll. Avell.* I. ELECTION OF BONIFACE: *Coll. Avell.* 14 ff.

119. PARISH PRIESTS AS ELECTORS: Gelasius, fr. 4, plebs Clientensis data nobis petitione deflevit diu se sine rectoris proprii gubernatione dispergi; ac, sicut asseritur, is qui a vobis iam probatus dicitur a paucis et tenuibus putatur eligendus, quum ad vos pertineat universos assidua admonitione compellere, ut omnes in unum quem dignum sacerdotio viderint et sine aliqua reprehensione consentiant. et ideo, fratres carissimi, diversos ex omnibus saepe dicti loci paroeciis presbyteros, diaconos et universam turbam vos oportet saepius convocare. POPULAR ELECTIONS AT OLBIA AND HYDRAX AND PALAEBISCA: Syn. *Ep.* 67, 76; so at Gaza the few Christian laity deliberated with the clergy on the choice of a bishop (*V. Porph.* 11). Even in large towns like Caesarea (Greg. Naz. *Or.* XVIII. 33) and Alexandria (Ath. *Apol. c. Ar.* 6) the people are spoken of as demanding a candidate and demonstrating in his favour. In Roman elections the *plebs sancta* (*Coll. Avell.* I §5), the *populus Romanus* (ib. 4), or the *Christiana plebs* (ib. 17 §2) are said to take part. CLERUS, ORDO ET PLEBS: Boniface, *Ep.* 12, Celestine, *Ep.* 4 §5; Leo adds the *honorati* in *Ep.* 10 §6, and substitutes them for the *ordo* in *Ep.* 40. Cf. Greg. Naz. *Ep.* 41, καὶ ἱερατικοῖς γράφω καὶ μοναστικοῖς, καὶ τοῖς ἐκ τοῦ ἀξιοματικοῦ καὶ βουλευτικοῦ τάγματος καὶ τοῦ δήμου πάντος. The respective roles of the various classes are well put in Theod. *HE* IV. 20 (on the election of Athanasius's successor Peter), πάντων συμψήφων γεγεννημένων καὶ τῶν ἱερωμένων καὶ τῶν ἐν τέλει καὶ ἀξιωμασί καὶ ὁ λαός δὲ ἅπας ταῖς εὐφημίαις ἐδηλοῦν τὴν ἡδόνην. EXCLUSION OF THE POPULACE: *C. Laod.* can. 13, περὶ τοῦ μὴ τοῖς ὄχλοις ἐπιτρέπειν τὰς ἐκλογὰς ποιεῖσθαι τῶν μελλόντων καθίστασθαι εἰς ἱερατεῖον. Gregory Nazianzen (*Or.* XVIII. 35) held that the clergy and the monks should have the sole or at least a predominant voice in episcopal elections, and that they should not be entrusted τοῖς εὐπορωτάτοις τε καὶ δυνατωτάτοις ἢ φορᾷ δήμου καὶ ἀλογία. The role of the people is also minimised in *Ep. ad Gallos*, 10 (cited in n. 91).

120. Leo, *Ep.* 14 §5, ita ut si in aliam forte personam partium se vota dividerint, metropolitani iudicio is alteri praeferatur qui maioribus et studiis iuvatur et meritis, tantum ut nullus invitis et non petentibus ordinetur. Sid. *Ap. Ep.* IV. 25 (Cabillonum), VII. 9 (Bituriges).

121. THREE CANDIDATES PROPOSED BY THE BISHOPS: *C. Arel.* II, can. 54, placuit in ordinatione episcopi hunc ordinem custodiri ut primo loco venalitate vel ambitione submota tres ab episcopis nominentur de quibus clerici vel cives erga unum eligendi habeant potestatem. THREE CANDIDATES ELECTED BY THE CLERGY AND PEOPLE: Sev. *Ant. Ep.* I. 18, 30, 39 (where he speaks of the rule as a sacred law, confirmed by the emperor), 46, *CJ* I. iii. 41 pr., §28.

122. ATHANASIUS: Philostorg. II. 11; for another hostile account of his election see Soz. II. 17. BASSIANUS: *A.C.Oec.* II. i. 405.

123. CONSTANTINE AND ANTIOCH: Eus. *V. Const.* III. 62.

124. NECTARIUS: Soz. VII. 8 (for a different account see Soc. v. 8). JOHN CHRYSOSTOM: Pall. *Dial.* pp. 29-30, Soc. VI. 2, Soz. VIII. 2. NESTORIUS: Soc. VII. 29. SISINNIIUS: Soc. VII. 26. MAXIMIAN: Soc. VII. 35. PROCLUS: Soc. VII. 40. ELECTION OF 449: Leo, *Ep.* 53, πρότερον μὲν ἐπέτρεψε τῷ κατ' αὐτὴν εἰλαβεστάτῳ κλήρῳ τοὺς ἐπιτηδειότερους εἰς ἐπιστάσιαν μετὰ δοκιμασίας ψηφίσασθαι, τὴν ἐπιλογὴν ἑαυτῷ τοῦ πάντων ἐκκλητίου ταμιενσάμενος. εἶτα . . . ἔδοξε λοιπὸν τοῖς κρατοῦσι τῶν ὄλων ἐπιτραπῆναι κλήρῳ τὴν ἐπιλογὴν τοῦ πρωτεύοντος. MENAS: *A.C.Oec.* III. 135, 153. On Menas's death there was much intrigue (*V. Eutych.* 23, ἀγὼν ἀφατος καὶ σπουδὴ ἀμετρος τοῖς πολλοῖς ἦν εἰς τὸ προβάλλεσθαι τοὺς μὴ ἀξίους τῆς ἀρχιεροσύνης), but it was directed to securing the support of the emperor's advisers (*ibid.* 23, ὑποσχέσεσι καὶ δωροδοκίαις βουλομένοις πείσαι τοὺς δυναστὰς τοῦ βασιλέως), and Justinian made his own choice and obtained the formal assent of the clergy and senate (*ibid.* 24). Gregory the Great (*Ep.* VII. 6) gives Maurice the entire credit for the choice of Cyriacus.

125. For the appointment of royal favourites and ministers by the Frankish kings see Greg. Tur. *HF* v. 45, VI. 7, 38, VIII. 20, 22, 39 etc., and for their sale of bishoprics Greg. Tur. *V. Patr.* VI. 3.

126. IMPERIAL LAWS ON THE ORDINATION OF SLAVES: *CTh* IX. xlv. 3, 398, Val. III, *Nov.* xxxv §3, 452, *CJ* I. iii. 36, 484, Just. *Nov.* cxxiii §17, 546.

127. THE CHURCH ON THE ORDINATION OF SLAVES: *Lib. Pont.* xlv, Leo, *Ep.* 4 §1, *C. Aurel.* I, can. 8, *C. Aurel.* III, can. 26, *C. Aurel.* v., can. 6, cf. also Sev. Ant. *Ep.* I. 35.

128. ORDINATION OF COLONI: *CJ* I. iii. 16, 409, Val. III, *Nov.* xxxv §3, 452, *CJ* I. iii. 36, 484, Just. *Nov.* cxxiii §17, 546, Leo, *Ep.* 4 §1, Gelasius, *Ep.* 14 §14, *C. Aurel.* III, can. 26.

129. RULES ON SLAVES AND COLONI: Val. III, *Nov.* xxxv §6, Gelasius, *Ep.* 20-23.

130. Just. *Nov.* cxxiii §4, 546.

131. ROMAN GUILDS: *CTh* XIV. iii. 11, 365 (bakers), Val. III, *Nov.* xx, 445. WESTERN COLLEGIATI: Val. III, *Nov.* xxxv §§3, 5, 452, Maj. *Nov.* vii §3, 458. In the East *murileguli* were forbidden to take orders by *CTh* IX. xlv. 3, 398. ALBINUS: Loewenfeld, *Ep. Pont. Rom. Ined.* 39.

132. VICTRICIUS: Paul. *Ep.* 18. MARTIN: Sulp. Sev. *V. Mart.* 2. Two other soldiers, one of whom became a priest and the other a bishop, are recorded in Zach. Myt. *Chron.* VII. 6. EVASION OF MILITARY SERVICE THROUGH ORDINATION: Bas. *Ep.* 54, *CTh* VII. xx. 12 §2, 400.

133. *C. Carth.* III, can. 49, ut episcopi presbyteri diaconi vel quicumque clerici qui nihil habentes ordinantur et tempore episcopatus vel clericatus sui agros vel quaecumque praedia nomine suo comparant, etc. AETIUS: Philostorgius, III. 15. Cf. *C. Carth.* III, can. 44, where a bishop brings up a very poor boy and ordains him *lector*, and another bishop then, contrary to the canons, makes him deacon.

134. AMBROSE: Paul. *V. Amb.* 3-7. NECTARIUS: Soc. v. 8, Soz. VII. 8. ARSACIUS: Soc. VI. 19, Soz. VIII. 23. For Paulinus's birth, wealth and rank see

Amb. *Ep.* 58 §§1-3, Aus. *Ep.* 20, 24, lines 64-5, 115-16; it appears from Paul. *Carm.* 21, line 395, that he was consular of Campania. P. Fabre, *Essai sur la chronologie de l'oeuvre de saint Paulin de Nole* (Paris, 1948) dates his conversion to 389, his ordination as priest to 394, and his consecration as bishop to between 408 and 416.

135. Siricius, *Ep.* 6 §1, ut tales videlicet ad ecclesiasticum ordinem permitterentur accedere quales apostolica auctoritas iubet non quales dico, vel eos qui cingulo militiae saecularis adstricti olim gloriati sunt. qui posteaquam pompa saeculari exultaverunt aut negotiis rei publicae optaverunt militare aut mundi curam tractare, adhibita sibi quorundam manu et proximorum favore stipati, hi frequenter ingeruntur auribus meis ut episcopi esse possint; Innocent, *Ep.* 37 §3, sed designata sunt genera de quibus ad clericatum pervenire non possunt, id est, si quis fidelis militaverit, si quis fidelis causas egerit, hoc est, postulaverit, si quis fidelis administraverit. CAESARIUS: Symmachus, *Ep.* 15 §11, illud etiam pari supplicatione deprecemur, ut de laica conversatione, qui in singulis iudicum officiis meruerint aut certe rexerint sub aliqua potestate provincias, nisi multo ante tempore praemissa conversatione legitima et vita examinata, nullus aut clericus aut episcopus ordinetur. Cf. also *Ep. ad Gallos*, 10, eos praeterea qui saecularem adepti potestatem ius saeculi exercuerint immunes a peccato esse non posse manifestum est. dum enim et gladius exeritur aut iudicium confertur iniustum aut tormenta exercentur per necessitatem causarum aut parandis exhibent voluptatibus curam aut praeparatis intersunt . . . multum sibi praestant si non episcopatum adfectent, sed propter haec omnia agentes poenitentiam certo tempore impleto mereantur altaribus sociari. GERMANUS OF AUXERRE: *V. Germani*, 1, 2; as he had previously practised at the bar of the prefecture it is clear that the post described by his Merovingian biographer as 'ducatus culmen et regimen per provincias' was a provincial governorship. SIDONIUS APOLLINARIS: Greg. Tur. *HF* II. 21. CHRYSANTHUS: Soc. VII. 12. THALASSIUS: Soc. VII. 48. EPHRAEM: *Evagr.* IV. 6.

136. LAWYERS: C. *Sard.* can. 10, Innocent, *Ep.* 3 §4, quantos enim ex his qui post acceptam gratiam in forensi exercitatione versati sunt et obtinendi pertinaciam susceperunt adscitos ad sacerdotium esse comperimus? e quorum numero Rufinus et Gregorius perhibentur. quantos ex aliqua militia, qui cum potestatibus oboedirent severa necessario praecepta sunt executi? quantos ex curialibus, qui dum parent potestatibus, quae sibi sunt imperata fecerunt? quantos qui voluptates et editiones populo celebrarunt . . . ? quorum omnium neminem ne ad societatem quidem ordinis clericorum oportuerat pervenire, §6, ne quispiam qui post baptismum militaverit ad ordinem debeat clericatus admitti, neque qui causas post acceptum baptismum egerint, aut qui post acceptam dei gratiam administraverint. PROFESSORS: Soc. II. 46, Soz. VI. 25 (the elder Apollinaris, a *grammaticus*, and the younger, a *rhetor*, were priest and reader), *Evagr.* I. 9 (Eusebius bishop of Dorylaeum had been a rhetor). MAMERTINUS: *V. Severini*, 4. AMBROSE: Paul. *V. Amb.* 5. GERMANUS: *V. Germani*, 1. ALYPIUS: Aug. *Conf.* VI. 16, VIII. 13. SEVERUS: Zach. *V. Sev.* pp. 46 ff., 92. ZACHARIAS: Zach. *V. Sev.* pp. 47 ff., 95, cf. also 81 (a former *scholasticus* is priest). SEVERUS'S FOUR LAWYERS: Sev. Ant. *Ep.* I. 5.

137. OFFICIALS: Siricius, *Ep.* 5 §2, item si quis post remissionem peccatorum cingulum militiae saecularis habuerit ad clerum admitti non decet; C. *Tol.* I, can. 8, si quis post baptismum militaverit et chlamydem sumpserit vel cingulum, etiam si gravia non admisit, si ad clerum admissus fuerit diaconi dignitatem non accipiat; Innocent, *Ep.* 2 §2 (the same rule as Siricius, *Ep.* 5 §3), 3 §§4, 6



(cited in n. 136). CAESARIUS: Symmachus, *Ep.* 15 §11 (cited in n. 135). Even before Siricius a council held in Illyricum c. 375 had ruled that priests and deacons should be ordained from among the (lower) clergy καὶ μὴ ἀπὸ τοῦ βουλευτηρίου καὶ στρατιωτικῆς ἀρχῆς (Theod. *HE* iv. 9).

138. RETIRED OFFICIALS ALLOWED TO TAKE ORDERS: *CJ* I. iii. 27, 466. EUTHALIUS: Theod. *Ep.* (Azema) 33. THEODORE: *A.C.Oec.* II. i. 211-2. Cf. also the imperial notary Theodulus, who became bishop of Mutina (Paul. *V. Amb.* 35); Eleusius, a former palatine official, bishop of Cyzicus (Soz. iv. 20); Marathionius, a former *numerarius* of the praetorian prefecture, bishop of Nicomedia (Soz. iv. 20, 27). The sons of higher officials were of course allowed to take orders, as did John Chrysostom, son of a member of the *officium* of the *magister militum per Orientem* (Pall. *Dial.* p. 28).

139. COHORTALES: *CTh* VIII. iv. 7, 361, *CJ* I. iii. 27, 466, 52, 531, Just. *Nov.* cxxiii §15, 546 (the words quoted are in §1 of this law).

140. STEPHEN OF LARISSA: *Stephani ad Bonifacium Libellus* (PL LXV. 34), mihi enim in saeculari vita antea provincialis ordo militiae, mediocriter sicut erat meam vitam humiliter transibam. MAURICE'S LAW: Greg. *Ep.* III. 61, 64.

141. LAWS ON CURIALES AND THE CHURCH: Eus. *HE* x. 7, *CTh* XVI. ii. 1, 313, 2, 319, 3, 329 (S), 6, 329 (S), 7, 330, 9, 349, XII. i. 49, 361, 59+XVI. ii. 17, 364, XVI. ii. 19, 370, XII. i. 99, 104, 383, 115, 386, 121, 390, 123, 391, IX. xlv. 3, 398, XII. i. 163, 399, Val. III, *Nov.* iii. 439, *CJ* I. iii. 21, 442, Val. III, *Nov.* xxxv §§3, 5, 452, Maj. *Nov.* vii §7, 458, *CJ* I. iii. 52, 531, Just. *Nov.* cxxiii §15, 546.

142. A council held in Illyricum c. 375 banned the ordination of *curiales* (see above n. 137). Ambrose's complaints are in *Ep.* 18 §13, 40 §29; Theodosius's law is *CTh* XII. i. 121.

143. Innocent, *Ep.* 3 §4 (cited in n. 136), §6, neque de curialibus aliquem venire ad ecclesiasticum ordinem posse qui post baptismum vel coronati fuerint vel sacerdotium quod dicitur sustinuerint et editiones publicas celebraverint. nam et hoc de curialibus est cavendum ne eidem qui ex curialibus fuerint aliquando a suis curiis, quod frequenter videmus accidere, reposcantur, 2 §12, praeterea frequenter quidam e fratribus nostris curiales vel quibuslibet publicis functionibus occupatos clericos facere contendunt; quibus postea maior tristitia cum de revocandis eis aliquid ab imperatore praecipitur quam gratia de adscito nascitur. constat enim eos in ipsis muniis etiam voluptates exhibere, quas a diabolo inventas esse non dubium est, et ludorum vel munerum apparatus aut praeesse aut interesse, 37 §3, de curialibus autem manifesta ratio est, quoniam etsi inveniantur huiusmodi viri qui debeant clerici fieri, tamen quoniam saepius ad curiam repetuntur, cavendum ab his est propter tribulationem quae saepe de his ecclesiae provenit.

144. JUSTINIAN: *CJ* I. iii. 52 §1, 531, Gelasius, *Ep.* 15, Greg. *Ep.* iv. 26.

145. CONSTANS'S LAW: *CTh* XVI. ii. 9, 349, curialibus muneribus atque omni inquietudine civilium functionum exsortes cunctos clericos esse oportet, filios tamen eorum, si curiis obnoxii non tenentur, in ecclesia perseverare. EPISCOPAL FAMILIES: *ILCV* 1030, 1806. CHRYSANTHUS: Soc. VII. 12. SEVERUS'S FAMILY: Zach. *V. Sev.* p. 11.

146. The old rule is given in *Const. Apost.* vi. 17, cf. *C. Anc.* can. 10.

147. Clerical continence is ordered by *C. Ilib.* can. 33, and advocated by Eus. *Dem. Ev.* i. 9, Cyr. Hierosol. *Catech.* XII. 25 (for priests). NICAEA: Soc. I. 11, Soz. I. 23. GANGRA: *C. Gangr.* can. 4.

148. CLERICAL CONTINENCE: Siricius, *Ep.* i §7, §3, Innocent, *Ep.* 2 §9, 6 §1, *Ep. ad Gallos*, 3, Leo, *Ep.* 14 §4, 167 §3, *C. Carth.* II, can. 2, *Cod. Can. Eccl. Afr.* 70, *C. Taur.* can. 8, *C. Araus.* I, can. 22, *C. Tur.* I, can. 1, 2, *C. Agath.* can. 9, *C. Aurel.* III, can. 2, *C. Tol.* I, can. 1.

149. Jerome, *C. Vig.* 2, Epiph. *adv. Haer.* XLVIII, 9, *Can. Apost.* 5. ANTONINUS: Pall. *Dial.* p. 84. SYNESIUS: Syn. *Ep.* 105. NO RULE OF CONTINENCE IN THE EAST: Soc. v. 22.

150. *CJ* I. iii. 41 §§2-4, 528, 47, 531, Just. *Nov.* vi §1, 535, cxxiii §1, 546, cxxxvii §2, 565. Cf. Pelagius I, *Ep.* 33, illud consultius iudicavimus faciendum ut congrua providentia causam propter quam principalis constitutio habentem filios et uxorem ad episcopatus prohibet ordinem promoveri, salva dispositione consilii muniremus. qua de re summo studio ab eodem Syracusanae urbis episcopo, priusquam a nobis eum contingeret ordinari, huiusmodi exegimus cautionem, per quam et suam fateretur quantula esset praesentis temporis habita rerum descriptione substantiam, et nihil umquam per se aut per filios et uxorem sive per quamlibet propinquam aut domesticam vel extraneam forte personam de rebus usurparet ecclesiae. et universa episcopatus quaesita tempore ecclesiae suae dominio sociaret, nihil ultra id quod modo descriptum est suis filii vel heredibus relicturus.

151. For early monasticism see P. de Labriolle in *Hist. de l'Église*, III, 299-300, where there is a full bibliography.

152. EUSTATHIUS: Soz. III, 14. BASIL'S RULES: Basil, *Regulae fusius tractatae*, *Regulae brevius tractatae* (PG xxxi. 889-1306). The story of the early monastic settlement near Constantinople is told in *V. Hypatii*, 58, 60-1, 66, 70-1, cf. Soz. VI, 40, Theod. *HE* IV, 34 for the date of Isaac.

153. ATHANASIUS'S INFLUENCE IN THE WEST: Jerome, *Ep.* 127 §5. MARTIN: Sulp. Sev. *V. Mart.* 7. HONORATUS: Hilarius Arel. *de vita S. Honorati*, 15 ff. (PL L. 1256 ff.). CASSIAN: Gennadius, *de script. eccl.* 61. AMBROSE: Aug. *Conf.* VIII, 15. AUGUSTINE: Poss. *V. Aug.* 5, 11.

154. PACHOMIUS'S FOUNDATIONS: *V. Pachom.* 6, Pall. *Hist. Laus.* xxxii; the figure of 3000 for the Tabennesiot order comes from Soz. VI, 28, Ruf. *Hist. Mon.* 3, the figure of 7000 from *V. Pachom.* 6; Cassian, *Inst.* IV, 1, gives 5000. NITRIA: Pall. *Hist. Laus.* VII, xiii. SCETIS: Joh. Moschus, 113. ALEXANDRIA: Pall. *Hist. Laus.* VII, xiii. ANTINOOPOLIS: Pall. *Hist. Laus.* LVIII, lix. OXYRHYNCHUS: Ruf. *Hist. Mon.* 5. ARSINOE: Ruf. *Hist. Mon.* 18. MONASTERY BY THE RED SEA: *V. Hypatii*, 140; at Thecoa, Joh. Maium. *Pleroph.* 25; at Amida, Joh. Eph. *V. SS. Or.* 35; elsewhere in Syria, ib. 14, 15. NUMBER OF MONASTERIES AT CONSTANTINOPLE AND CHALCEDON: *A.C.Oec.* III, 260-2.

155. MARCIAN'S PROPOSAL: *A.C.Oec.* II, i. 353; canon 4 on slaves, *A.C.Oec.* II, i. 355. LAWS ON SLAVES AND COLONI: Val. III, *Nov.* xxxv §3, 452, *CJ* I. iii. 36, 37, 484, Just. *Nov.* v §2, 535, cxxiii §35, 546. MAURICE'S LAWS: Greg. *Ep.* III, 61, 64, cf. VIII, 10, x. 9.

156. EGYPTIAN MONKS WORK IN THE HARVEST: Ruf. *Hist. Mon.* 18, Joh. Moschus, 183; WORK AT HANDICRAFTS: Pall. *Hist. Laus.* xxxii; SELL PRODUCTS: Joh. Moschus, 194. PACHOMIAN HOUSES: *V. Pachom.* 7, cf. 25 (mat weaving), 35 (shoemaking), Pall. *Hist. Laus.* xxxii (surplus to charity, cf. Cassian, *Inst.* x. 22, *Coll.* xviii. 7).

157. MONASTIC ENDOWMENTS IN EGYPT: *P. Cairo*, 67170, 67299, *P. Lond.* 483, *P. Giss.* 56, *PRG* III. 48, etc. SYRIAN MONKS WORK FOR THEIR LIVING: Joh. Chrys. *Hom. in Matth.* lxxii. 4. THEODOSIUS'S MONASTERY: *Theod. Hist. Rel.* x.

158. HYPATIUS'S MONASTERY: *V. Hypatii*, 67, 76, 120. Cassian, *Inst.* x. 22-3, hinc est quod in his regionibus nulla videmus monasteria tanta fratrum celebritate fundata, quia nec operum suorum facultatibus fulciuntur ut possint in eis iugiter perdurare, et si eis subpeditare quoquo modo valeat sufficientia victus alterius largitate, voluptas tamen otii et pervagatio cordis diutius eos in loco perseverare non patitur. MONASTIC SLAVES NOT TO BE FREED: *C. Epaoon.* can. 8, mancipia vero monachis donata ab abbate non liceat manumitti. iniustum enim putamus ut monachis quotidianum rurale opus facientibus servi eorum libertatis otio potiantur. Monasteries are regularly mentioned among the bodies prohibited to alienate their endowments, e.g. *CJ* I. ii. 17 §2 (Anastasius), *Just. Nov.* vii §1, 535.

159. VALENS AND THE MONKS: Cassian, *Coll.* XVIII. 7. MONASTIC REBELLION IN PALESTINE: *A.C.Oec.* II. i. 483-6, *Zach. Myt. Chron.* III. 3 ff., *Evagr.* II. 5.

160. CANONS ON MONASTIC DISCIPLINE: *A.C.Oec.* II. i. 353 (Marcian's proposal), 355 (can. 4), *C. Agath.* can. 27, *C. Aurel.* I, can. 19. THE PRIVILEGE OF LERINS: Mansi, VII. 907-8. PRIVILEGE OF CAESARIUS'S NUNNERY: Hormisdas, *Ep.* 150. In Africa two councils in 525 and 534 (Mansi, VIII. 648-56, 841-2) granted monasteries immunity from episcopal control, following the precedent of Lerins. In the East bishops often appointed inspectors or controllers of the monks in their diocese, e.g. *Theod. Ep. (PG)* 113, 116-7, ἐξαρχὸν τῶν πατρῶν ἡμῶν μοναζόντων, *Cyr. Scyth. V. Euthymii*, 16, χωρεπισκοπον καὶ τῶν μοναχῶν ἀρχιμανδρίτην, *V. Sabae*, 30, ἀρχιμανδρίτας καὶ τῶν μοναχῶν ἐξάρχους, *V. Eutych.* 18, ἀναδέχεται τὴν φροντίδα ἣτοι ἡγεμονίαν ὅλου τοῦ ἐπὶ τὴν μητροπόλιν μοναχικοῦ συστήματος, ὅθεν καὶ καθολικὸς ἀνομάζετο, *Just. Nov.* v §7, οἱ τε ἀρχιμανδρίται καλούμενοι, cxxxiii §4, ὁ τῶν μοναστηρίων ἐξαρχος. IMPERIAL LEGISLATION ON MONKS: *CJ* I. iii. 43, 529 (no mixed houses), 46, 530 (election of abbots), *Just. Nov.* v, 535 (common life is ordered in §3), cxxxiii, 539, cxxxiii §§33 ff., 546 (repetition of the above rules).

161. See pp. 82, 86 ff.

162. JUSTINIAN ON CLERICAL DICING: *CJ* I. iv. 34, 534.

163. NESTORIUS ON HERETICS: *Soc.* VII. 29. MARTIN: *Sulp. Sev. Chron.* II. 50, *Dial.* III. 13. AUGUSTINE: *Aug. Retract.* II. v; for an account of Augustine's change of mind see G. G. Willis, *Augustine and the Donatist Controversy*, pp. 127 ff. SOCRATES ON NESTORIUS: *Soc.* VII. 29; he also expresses approval of Atticus's tolerance and tells with pleasure the ignominious end of a persecuting bishop of Synnada (VII. 2-3). PROCOPIUS ON THE HERETICS: *Proc. HA* xi. 21-3. For the Donatists see pp. 81-2; the Donatist slogan 'quid imperatori cum ecclesia?' is quoted in *Opt.* III. 3. A plea for *libertas* is made in Hilary, *Liber I ad Constantium*; cf. the synodical letter of the Council of Sardica in *CSEL* LXV. 181 ff., Hosius's letter in *Ath. Hist. Ar.* 44, and Athanasius's own remarks in *Hist. Ar.* 52.

164. GELASIUS ON THE TWO POWERS: Gelasius, *Ep.* 12 §2, duo quippe sunt, imperator auguste, quibus principaliter mundus hic regitur, auctoritas sacra pontificum et regalis potestas. in quibus tanto gravius est pondus sacerdotum,

quanto etiam pro ipsis regibus hominum in divino reddituri sunt examine rationem. nosti etenim, fili clementissime, quod licet praesideas humano generi dignitate, rerum tamen praesulibus divinarum devotus colla submittis. CONSTANTIUS'S ALLEGED REMARK: *Ath. Hist. Ar.* 33, ἀλλ' ὅπερ ἐγὼ βούλομαι τοῦτο κανὼν, ἔλεγε, νομιζέσθω· οὕτω γάρ μου λέγοντος ἀνέχονται οἱ τῆς Συρίας λεγόμενοι ἐπίσκοποι. ἢ τοίνυν πελίσθητε ἢ καὶ ὑμεῖς ὑπερόροι γενήσεσθε.

## XXIII. RELIGION (pp. 938-41)

The best general works on the topics covered by this chapter are Gaston Boissier, *La fin du Paganisme*<sup>3</sup>, Paris, 1898, and Samuel Dill, *Roman Society in the last century of the Western Empire*<sup>2</sup>, London, 1910.

1. See pp. 91-2, 113-4, 167-9.

2. LAWS AGAINST PAGANISM: *CTh* XVI. x. 19, 407 (S), cf. *Cod. Can. Eccl. Afr.* 58, instant etiam aliae necessitates religiosae imperatoribus postulandae, ut reliquias idolorum per omnem Africam iubeant penitus amputari; nam plerisque in locis maritimis atque possessionibus diversis adhuc erroris istius iniquitas viget: ut praecipiant et ipsas deleri, et templa eorum, quae in agris vel in locis abditis constituta nullo ornamento sunt, iubeantur omnino destrui, *CTh* XVI. x. 20, 415, 23, 423, 25, 435, *CJ* I. xi. 7, 451, 8, 472, 9 (a law of Anastasius, cf. *P. Oxy.* 1814), μηδενὶ δὲ ἐξέστω μήτε ἐν διαθήκῃ μήτε κατὰ δωρεὰν καταλιμπάνειν ἢ διδόναι τι προσώποις ἢ τόποις ἐπὶ συστάσει τῆς τοῦ Ἑλληνισμοῦ δυσσεβείας, εἰ καὶ μὴ τοῦτο ἰδικῶς τοῖς τῆς βουλήσεως ἢ διαθήκης ἢ δωρεᾶς περιέχοιτο ῥήμασιν, ἄλλως δὲ σὺν ἀληθεῖα καταληφθῆναι παρὰ τῶν δικαζόντων δύνανται.

3. PAGANS EXCLUDED FROM MILITIAE: Zos. v. 46, *CTh* XVI. x. 21, 416; FROM THE BAR: *CJ* I. iv. 15 (= II. vi. 8), 468; FROM PROFESSORSHIPS: *CJ* I. v. 18 §4, xi. 10 §2, Malalas, 451, Agath. II. 30. The other disabilities are imposed by *CJ* I. v. 18; baptism is ordered by *CJ* I. xi. 10, cf. Malalas, 449, Theophanes, A.M. 6022.

4. THE MISSION IN ASIA: Joh. Eph. V. SS. Or. xl, xliii, xlvii, *HE* II. 44, III. 36-7. HELIOPOLIS: Joh. Eph. *HE* III. 27 ff. CARRHAE AND THE NUSAIRI: *Encyclopaedia of Islam*, II. 270, III. 964-5. Other examples of the survival of paganism in the sixth century are to be found in Sophronius, *Narr. de mir. SS. Cyri et Iohannis*, 30, 32 (at Alexandria), and V. *Sym. Jun.* 160-3, 169, 174 ff., 201-4, 217-8, 220, 237 (at Antioch and Apamea).

5. PAGANISM AT TARRACINA: Greg. *Ep.* VIII. 19; AT TYNDARIS: III. 59; IN SARDINIA: IV. 23, 25-7, 29, V. 38, IX. 204, XI. 12. SPAIN: Mart. Bracar. *de correctione rusticorum*, C. Tol. III, can. 16. GAUL: C. *Arel.* II, can. 23, C. *Aurel.* II, can. 20, C. *Aurel.* IV, can. 15, 16, C. *Tur.* II, can. 22, C. *Autis.* can. 1, 3, 4, C. *Rem.* can. 14, Greg. *Tur. V. Patr.* VI. 2, HF VIII. 15; cf. V. *Caesarii*, II. 18, daemonium quod rustici Dianam appellant (near Arles).

6. The quotation is from Symm. *Rel.* 3 §9. For paganism among senators, see p. 163 (the altar of Victory), 168-9 (support for Eugenius), Zos. IV. 59, v.

41. THE UNIVERSITIES OF ALEXANDRIA AND BERYTUS: Zach. *V. Sev.* pp. 15 ff., 57 ff.; OF ATHENS: Agath. II. 30.
7. PERSECUTION OF PAGANS IN 529: Malalas, 449, Theophanes, A.M. 6022; IN 546: *Rev. Or. Chrét.* II (1897), 481-2 (a fragment of John of Ephesus); IN 578: Joh. Eph. *HE* III. 30 ff.
8. PAGANS IN GAUL: Sulp. Sev. *V. Mart.* 12-15, *Dial.* II. 4, III. 8. THE ANAUNI: Vigilius Tridentinus, *Ep.* 1, 2. PAGANS ON ITALIAN ESTATES: Maximus Taurin. *Serm.* 101-2.
9. PAGANS ON ESTATES: Joh. Chrys. *Hom. in Act.* XVIII. 4; cf. *V. Hypatii.* 103, 124-5, for the survival of rural paganism near Constantinople in the early fifth century. ABRAM: Theod. *Hist. Rel.* xvii. THALALAEUS: *ib.* xxviii.
10. MAVIA: Soc. IV. 36. ASPEBETUS: Cyr. Scyth. *V. Euthym.* 10. BLEMMEYES AND NOBADAЕ: Priscus, 21, Proc. *BP* I. xix. 34-7; cf. *Sb* 1169-70 (pagan dedications at Philae in 452). CONVERSION OF THE NOBADAЕ: Joh. Eph. *HE* IV. 6 ff. AUGILA: Proc. *Aed.* VI. II. 14-20. THE MOORS: Proc. *BV* I. viii. 15 ff., II. viii. 9 ff., *Aed.* VI. III. 10. THE GOTHs: J. Zeiller, *Les origines chrétiennes dans les provinces danubiennes*, 440 ff. THE FRANKs: Greg. Tur. *HF* II. 29-31.
11. CALAMA, MADAURA AND SUFES: Aug. *Ep.* 50, 91, 232; for the early conversion of rural Africa see W. H. C. Frend, *The Donatist Church*, pp. 87 ff.
12. EDESSA: *CAH* XII, 493 ff. CARRHAE: *Itin. Hierosol.*, *S. Silvia*, 20. 8, and above n. 4. ANTIOCH: Julian, *Misop.* 357D; a generation later John Chrysostom estimated that there were 100,000 Christians (*Hom. in Matth.* lxxxv. 4) out of a total population of 200,000 (*Laud. Ign. Mart.* 4). APAMEA: Lib. *Ep.* 1351, Soz. VII. 15. HELIOPOLIS: Theod. *HE* IV. 22, Joh. Eph. *HE* III. 27. MAIUMA: Soz. II. 5, V. 3. GAZA: Jerome, *V. Hilar.* 20, *V. Porph.* 11, 19, 26 ff.
13. RESISTANCE AT ALEXANDRIA AND OTHER CITIES: Soz. VII. 15. The Sardinian pagans paid a regular *praemium* to the governor to induce him to turn a blind eye to their cult (Greg. *Ep.* v. 38).
14. APOSTATES: *CTb* XVI. vii. 1, 381, 2, 383, 3, 383, 4+5, 391, 6, 396, 7, 426. PAGAN HOPES UNDER ZENO: Zach. *V. Sev.* p. 40, cf. *V. Isaiae*, p. 7, for Christian fears of a restoration of paganism at this time.
15. JOSEPH: Epiph. *adv. Haer.* xxx. 11-12. JEWISH REVOLT IN GALILEE: Soc. II. 33, Soz. IV. 7, Aur. Victor, *Caes.* xlii. 10.
16. SAMARITAN REVOLT UNDER MARCIAN: *A.C.Oec.* II. i. 486, 488; IN 529: Malalas, 445-7, Proc. *HA* xi. 24-30; AT THE END OF JUSTINIAN'S REIGN: Malalas, 487.
17. JEWISH MERCHANTS: Greg. *Ep.* IX. 104, Greg. Tur. *HF* IV. 12, VI. 5. JEWISH COLONI: Lib. *Or.* XLVII. 13, Greg. *Ep.* v. 7. SAMARITANS IN UPPER EGYPT: *Sb* 9278; AT ROME: Cass. *Var.* III. 45; AT CATANA AND SYRACUSE: Greg. *Ep.* VI. 30, VIII. 21.
18. The most important passages on the Jewish patriarchs and their *apostoli* are Origen, *περὶ ἀρχῶν*, iv. 1, Epiph. *adv. Haer.* xxx. 4-11, Pall. *Dial.* p. 90; for the lapse of the office in 429 see *CTb* XVI. viii. 29 (cited below). TITLES OF JEWISH CLERGY: *CTb* XVI. viii. 1, 315 (*maioribus eorum et patriarchis*), 2, 330 (*patriarchis vel presbyteris*), 4, 331 (*hiercos et archisynagogos et patres*

synagogarum), 13, 397 (archisynagogis patriarchisque ac presbyteris), 14, 399 (archisynagogi sive presbyteri), *IGLS* 1319 (three ἀρχισυνάγωγοι, one γεροντίαρχος and two or more πρεσβύτεροι). PAYMENTS TO THE PATRIARCH: Epiph. *adv. Haer.* xxx. 11, τὰ ἐπιδένεα καὶ τὰς ἀπαρχάς, *CTh* xvi. viii. 14, 399, superstitionis indignae est, ut archisynagogi sive presbyteri Iudaeorum vel quos ipsi apostolos vocant, qui ad exigendum aurum atque argentum a patriarcha certo tempore diriguntur, a singulis synagogis exactam summam atque susceptam ad eundem reportent, 17, 404, 29, 429, Iudaeorum primates, qui in utriusque Palaestinae synedriis nominantur vel in aliis provinciis degunt, quaecumque post excessum patriarcharum pensionis nomine susceperere, cogantur exsolvere. in futurum vero periculo eorundem anniversarius canon de synagogis omnibus palatinis compellentibus exigatur ad eam formam, quam patriarchae quondam coronarii auri nomine postulabant; quae tamen quanta sit, sollerti inquisitione discutias; et quod de occidentalibus partibus patriarchis conferri consueverat, nostris largitionibus inferatur. RANK OF PATRIARCHS: *CTh* xvi. viii. 8, 392, 11, 396, 13, 397 (illustris), 15, 404 (spectabilis), 22, 415 (Gamaliel's prefecture).

19. PROTECTION OF SYNAGOGUES: *CTh* xvi. viii. 9, 393, 12, 397, 20, 412, 21, 420 (S), 25, 26, 27, 423. NO NEW SYNAGOGUES: *CTh* xvi. viii. 22, 415, 25, 27, 423, Th. II, *Nov.* iii §§3, 5, 438 (repairs allowed). This last law deals with both Jews and Samaritans, and presumably covers the latter's synagogues. DESTRUCTION OF SAMARITAN SYNAGOGUES: *CJ* I. v. 17.

20. PROHIBITION OF PROVOCATIVE JEWISH RITES: *CTh* xvi. viii. 18, 408, cf. 21, 420 (S). TARRACINA: Greg. *Ep.* II. 6. JUSTINIAN'S REGULATION OF SYNAGOGUES: Just. *Nov.* cxlvi, 553.

21. NO BILLETING IN SYNAGOGUES: *CTh* vii. viii. 2 (= *CJ* I. ix. 4), 368. CURIAL IMMUNITY OF JEWISH CLERGY: *CTh* xvi. viii. 3, 321, 2, 330, 4, 330 (S), 13, 397; WITHDRAWN IN THE WEST: *CTh* xii. i. 99 (= *CJ* I. ix. 5), 383, cf. 158, 398; it is not clear whether 165 (= *CJ* I. ix. 10), 399, was intended to revoke the immunity in the East. SABBATH RESPECTED: *CTh* II. viii. 26 + VIII. viii. 8 + XVI. viii. 20 (= *CJ* I. ix. 12), 412. JEWISH JURISDICTION: *CTh* II. i. 10 (= *CJ* I. ix. 8), 398, XVI. viii. 22, 415; for price control see *CTh* xvi. viii. 10 (= *CJ* I. ix. 9), 396, and for the right of the Jewish authorities to excommunicate, *CTh* xvi. viii. 8, 392.

22. MIXED MARRIAGES PROHIBITED: *CTh* HI. vii. 2 = IX. vii. 5 (= *CJ* I. ix. 6), 388. SLAVES OF JEWS: *CTh* xvi. ix. 1, 335, 2, 339, 3, 415, 4, 417, 5, 423, *CJ* I. x. 2 (Justinian).

23. LEVIES ON JEWS: Julian, *Ep.* 25. SEIZURE OF PATRIARCHAL DUES: *CTh* xvi. viii. 14, 399, 29, 429 (cited above in n. 18).

24. JEWISH CLAIM TO CURIAL IMMUNITY: *CTh* xvi. viii. 3, 321, XII. i. 158, 398 (cf. XVI. viii. 13, 397), 165, 399.

25. JEWS AT MAGONA: *Ep. Severi*, 4, 14, 17. WESTERN JEWS EXPELLED FROM AGENTES IN REBUS: *CTh* xvi. viii. 16, 404; EXPELLED FROM ARMY AND DEBARRED FROM CIVIL SERVICE: *CTh* xvi. viii. 24, 418.

26. EASTERN JEWS DEBARRED FROM PUBLIC SERVICE: Th. II, *Nov.* iii §§2, 5-6, 438; FROM THE BAR: *CJ* I. iv. 15 (= II. vi. 8), 468. Justinian's version of Th. II, *Nov.* iii (*CJ* I. ix. 18) adds *pater civitatis* to the list of banned offices. JEWS AND SAMARITANS DEPRIVED OF CURIAL PRIVILEGES: Just. *Nov.* xlv, 537.

27. CIVIL DISABILITIES OF JEWS AND SAMARITANS: *CJ* I. v. 12, 527, 13, 18, 19, 529, 21, 531, *Just. Nov.* xlv §1, 537, cxxix, 551, cxliv, 572.

28. The Jews are already called a *feralis* or *nefaria secta* in *CTh* xvi. viii. 1, 315, and Constantine's language is much more violent in his letter of 325 on Easter (*Eus. V. Const.* iii. 18). *CTh* xvi. viii. 4, 330 (S), 10, 396, 23, 416, ix. 3, 415, are all addressed to the Jewish community or its leaders, and all favourable to their claims; xvi. viii. 8, 392, and 26, 423, allude to the *Iudaeorum querellae* and their *miserabiles preces*. Theoderic in Italy maintained the rules of Roman law on the protection of synagogues (*Cass. Var.* iv. 43, v. 37) and their repair (*ib.* ii. 27) and protected Jewish rights (*ib.* iv. 33).

29. AMBROSE AND THE SYNAGOGUE: *Paul. V. Amb.* 22-3, *Amb. Ep.* 40, 41. It was the local bishop who instigated the burning of the synagogue at Callinicum (*Amb. Ep.* 40); Cyril, bishop of Alexandria, destroyed the synagogues and expelled the Jews from his city (*Soc.* vii. 13), and Severus, bishop of Iammona, led the attack on the synagogue of Magona (*Ep. Severi*, 9-10). Symeon Stylites, like Ambrose, bullied Theodosius II into withdrawing his order that the synagogues of Antioch, recently seized by the Christians, should be restored to the Jews (*Evagr.* i. 13). GALLIC AND SPANISH COUNCILS: *C. Aurel.* iii. can. 13, *C. Aurel.* iv. can. 30, 31 (Christian slaves of Jews), *C. Matisc.* i. can. 13, *ne Iudaei Christianis populis iudices deputentur aut telonarii esse permittantur*, 14 (Jews confined at Easter), 16 (Christian slaves of Jews redeemed for 12 solidi each), *C. Tol.* iii. can. 14 (Christian slaves of Jews, Jews in public office), *C. Narb.* can. 9 (chanting at Jewish funerals forbidden), *C. Par.* v. can. 15, *ut nullus Iudaeorum qualemcumque militiam aut actionem publicam super Christianis aut petere a principe aut agere praesumat*, *C. Rem.* can. 11 (sale of Christian slaves to Jews, Jews in public office). GREGORY THE GREAT'S POLICY TOWARDS JEWS: *Greg. Ep.* i. 34, ii. 6, ix. 38, 195 (protection of synagogues), xiii. 15 (protection of Jewish cult), i. 45 (against forcible baptism), iii. 37, iv. 9, 21, vi. 29, 30, viii. 21, ix. 104 (Christian slaves of Jews).

30. SEVERUS OF IAMMONA: *Ep. Severi*. AVITUS OF ARVERNI: *Greg. Tur. HF* v. 11. CHILPERIC: *ibid.* vi. 17. THE BISHOPS OF NARBO AND ARLES: *Greg. Ep.* i. 45. KING SISIBUT: *Isid. Chron.* 416, *Hist. Goth.* 60 (*Chron. Min.* ii. 291, 480); cf. *C. Tol.* iv. can. 57. HERACLIUS: *Doctrina Iacobi*, i. 2.

31. THE JEWS DURING THE PERSIAN INVASIONS: *Doctrina Iacobi*, iv. 7, v. 12; cf. Theophanes, A.M. 6101, 6106. THE JEWS AND THE ARABS: *Doctrina Iacobi*, v. 16.

32. On Constantine and the Donatists see pp. 81-2. At the council of Nicaea terms were offered to the Melitians (*Soc.* i. 9), Novatians and Paulianists (*C. Nic.* can. 8, 19). The first persecution edict against heretics followed shortly after (*Eus. V. Const.* iii. 64-5).

33. The existence of Manichees in the Eastern half of the empire is implied by the imperial laws against them and by the many anti-Manichaean treatises written by Eastern theologians, but specific evidence is hard to find; see *V. Porph.* 85-91 (Antioch and Gaza), *Proc. HA* xi. 26 (Palestine), Malalas, 423; Coptic Manichaean texts have been found in Egypt. For Africa the evidence is abundant from *Coll.* xv. 3 (Julianus, the proconsul of Africa, reports their presence to Diocletian) to Augustine (*Conf.* iv. 1, v. 3 ff., and his anti-Manichaean works), and down to the end of the sixth century (*Greg. Ep.* ii. 37). For Rome there is *Lib. Pont.* xxxiii (Miltiades), *Aug. Conf.* v. 19,

Leo, *Ep.* 7, *Serm.* 16 §4, Val. III, *Nov.* xviii, 445; according to Pope Gregory (*Ep.* v. 7) they were common in Sicily. MARCIONITES: Epiph. *adv. Haer.* xlii. 1. PRISCILLIANISTS: Leo, *Ep.* 15, *C. Bracar.* 1; these show that the sect still flourished in Spain in the fifth and sixth centuries, but it is nowhere else mentioned (the 'Priscillianistae' of *CTh* xvi. v. 40, 407, 43, 407, 48, 410, 59, 423, 65, 428, were evidently Montanists, so called from their devotion to the prophetess Priscilla). MONTANISTS: Epiph. *adv. Haer.* xlviii. 14; it would appear from *CTh* xvi. v. 40, 407, that they also existed in Rome, where no doubt every heresy was to be found; Procopius (*HA* xi. 23) implies that they existed only in Phrygia. Socrates, who took a strong interest in the Novatians (see below nn. 42-3), does not seem to know of any other communities except those which he describes in northwestern Asia Minor.

34. The works are Epiphanius, *κατὰ αἰρέσεων* or *πανάριον*, Philastrius Brixienis, *Liber de haeresibus*, Augustine, *de haeresibus ad Quodvultdeum*, and Theodoret, *αἰρετικῆς κακομύθιας ἐπιτομή*; Augustine's introductory letter to his work is *Ep.* 222. The longest official list of heresies is in *CTh* xvi. v. 65 (= *CJ* I. v. 5), 428.

35. EUSTATHIANS: *C. Gangr.*, synodical letter and canons. MONTANISTS: Aug. *de Haer.* 26, 27, cf. Epiph. *adv. Haer.* xlviii. 14. OPHITAE: Epiph. *adv. Haer.* xxxvii, Aug. *de Haer.* 17, Theod. *Haer. Fab. Comp.* I. 14. ADAMIANI: Epiph. *adv. Haer.* lii, Aug. *de Haer.* 31.

36. THE MARCIONIST: Theod. *Haer. Fab. Comp.* I. 24. ABELONII: Aug. *de Haer.* 87.

37. The normal penalties were decreed in Constantine's first edict of persecution (Eus. *V. Consf.* III. 64-5) and many later laws, *CTh* xvi. v. 3, 4, 8, 12, etc. FINE ON HERETICAL CLERGY: *CTh* xvi. v. 21, 392. DEPORTATION OF MONTANIST CLERGY: *CTh* xvi. v. 57, 415. FINES ON RECUSANT DONATISTS: *CTh* xvi. v. 52, 412, 54, 414. CIVIL DISABILITIES OF MANICHEES: *CTh* xvi. v. 7, 381, 9, 382, 18, 389, 40, 407, 65 §3, 428, Val. III, *Nov.* xviii §3, 445; OF EUNOMIANS: *CTh* xvi. v. 17, 389, 23, 394, 25, 27, 395, 36, 399, 49, 410, 58, 415.

38. HERETICS DEBARRED FROM MILITIA: *CTh* xvi. v. 29, 395, *sublimitatem tuam investigare praecipimus, an aliqui haereticorum vel in scriniis vel inter agentes in rebus vel inter palatinos cum legum nostrarum iniuria audeant militare, quibus exemplo divi patris nostri omnis et a nobis negata est militandi facultas, 42, 408, eos qui catholicae sectae sunt inimici intra palatium militare prohibemus, ut nullus nobis sit aliqua ratione coniunctus, qui a nobis fide et religione discordat, 48, 410, Montanistas et Priscillianistas et alia huiusmodi genera nefariae superstitionis per multiplicata scita divalia diversa ultionum supplicia contemnentes ad sacramenta quidem militiae, quae nostris obsecundat imperiis, nequaquam admitti censemus: si quos vero ex his curialis origo vel ordinum nexis aut cohortalinae militiae inligat obsequiis et functionibus, his adstringi praecipimus, ne sub colore damnatae religionis eliciant vacationis cupitae sibi suffragia, 58 §7, 415, 61, 423 (Eunomians), 65 §3, 428, nulla his (sc. Manichaeis) penitus praeter cohortalinam in provinciis et castrensem indulgenda militia, Val. III, *Nov.* xviii §4, 445 (Manichees), *CJ* I. v. 8 §6, 455 (monophysites). HERETICS EXCLUDED FROM THE BAR: *CJ* I. iv. 15 (= II. vi. 8), 468.*

39. THE DEATH PENALTY: *Coll.* xv. 3 §6 (Manichees), *CTh* xvi. v. 9 §1, 382, ceterum quos Encratitas prodigiali appellatione cognominant, cum Saccoforis sive Hydroparastatis refutatos iudicio, proditos crimine, vel in mediocri



vestigio facinoris huius inventos summo supplicio et inexpiabili poena iubemus affligi, *CJ* I. v. 11, 510, 12 §3, 527 (Manichees). Priscillian was put to death by Maximus, but not on the formal charge of heresy but for magic (*maleficium*); see Sulp. Sev. *Chron.* II. 50. JUSTINIAN'S LAWS AGAINST HERETICS: *CJ* I. v. 12, 527, 13, 14, 18, 19, 529, 20, 530, 21, 22, 531.

40. SURVIVAL OF DONATISTS: Greg. *Ep.* I. 72, 75, 82, II. 46, IV. 32, 35, VI. 34, 59, 61; OF MELITIANS: Theod. *Haer. Fab. Comp.* IV. 7, *Sb* 5174, 5175; for later references see H. I. Bell, *Jews and Christians in Egypt*, pp. 42-3.

41. RURAL HERETICS: Proc. *HA* xi. 21-3; Theod. *Ep.* (PG) 81, cf. *Hist. Rel.* XXI, XXII. THE QUARTODECIMANS: *A.C.Oec.* I. i. pars vii. 100-105. DONATISTS SPEAK PUNIC: Aug. *Ep.* 66, 108 §14, 209 §3. CIRCUMCELLIONS: Aug. *c. Gaud.* I. 32, Poss. *V. Aug.* 10. PETILIAN THE BARRISTER: Aug. *c. Litt. Pet.* iii. 19. CRESCONIUS THE GRAMMARIAN: Aug. *Retract.* II. 26. SCALE OF FINES: *CTh* XVI. v. 52, 412, cf. 54, 414.

42. RURAL NOVATIANS: Soc. IV. 28, v. 10.

43. MARCIAN: Soc. IV. 9, v. 21. SISINNIUS: Soc. VI. 22. PAUL: Soc. VII. 17. CHRYSANTHUS AND ABLABIUS: Soc. VII. 12.

44. EPICUREANS: Julian, *frag. Epist.* 301C, μήτε Ἐπικούρειος εἰσὶν λόγος μήτε Μυρρώνειος. ἤδη μὲν γὰρ καλῶς ποιῶντες οἱ θεοὶ καὶ ἀνηρέησαν ὥστε ἐπιλείπειν καὶ τὰ πλείστα τῶν βιβλίων. For the strongly religious, not to say superstitious, tone of Neoplatonism the works of Julian and Eunapius's *Lives of the Sophists* are witnesses.

45. For the cult of the martyrs see H. Delehaye, *Les origines du culte des martyrs*<sup>2</sup> Brussels, 1933.

46. LUCILLA: Opt. I. 16. BABYLAS: Soz. v. 19. Hilary, *de Trin.* xi. 3, hunc apostolorum et martyrum per virtutum operationes loquuntur sepulchra. Basil, *Or. in S. Mamantem*, passim.

47. GERVASIUS AND PROTASIIUS: Amb. *Ep.* 22, Paul. *V. Amb.* 14, Aug. *Civ. Dei*, XXII. viii. 2, *Conf.* IX. 16. VITALIS AND AGRICOLA, AND NAZARIUS AND CELSUS: Paul. *V. Amb.* 29, 32-3. DAMASUS: *Lib. Pont.* xxxix, multa corpora sanctorum requisivit et invenit, cf. Damasus, *Epigrammata*, 27, 49, 80.

48. Sulp. Sev. *V. Mart.* II.

49. AFRICAN CANON: *Cod. Can. Eccl. Afr.* 83. INVENTION OF ST. STEPHEN ETC.: *Ep. Luciani* (PL XLI. 807-18). Sozomen records a number of other spectacular finds, Habakkuk and Micah near Eleutheropolis (VII. 29), the Forty Martyrs at Constantinople (IX. 2) and Zachariah, also near Eleutheropolis (IX. 17).

50. ANTONY: Ath. *V. Ant.* 91. HILARION: Jerome, *V. Hilar.* 46, Soz. III. 14. SYRIAN HERMITS: Theod. *Hist. Rel.* iii (shrine built two years in advance), x, xiii, xvi (battle between villages), xxi (Jacob).

51. WESTERN OBJECTION TO TRANSLATION: Greg. *Ep.* IV. 30, in Romanis namque vel totius occidentis partibus omnino intolerabile est atque sacrilegium si sanctorum corpora tangere quisquam fortasse voluerit, cf. Hormisdas, *Ep.* 77. TRANSLATIONS TO CONSTANTINOPLE: Jerome, *c. Vigil.* 5, *Chron. Min.* I. 238-9. TRAFFIC IN RELICS: Aug. *de opere monachorum*, 36, alii membra martyrum si tamen martyrum venditant; the traffic was forbidden in the East by *CTh* IX. xvii. 7, 386, humatum corpus nemo ad alterum locum transferat, nemo martyrem distrahat, nemo mercetur.

52. Theod. *Graec. Aff. Cur.* VIII. 62-9. The cures of SS. Cyrus and John are recounted by Sophronius, *Narr. de mir. SS. Cyri et Johannis*. St. Martin's patronage of Tours is illustrated by many stories in Gregory's *Historia Francorum* and *de Virtutibus S. Martini*: notable is the immunity of the city of Tours from taxation, which was granted and respected by the Frankish kings from fear of St. Martin (Greg. Tur. *HF* ix. 30). For S. Demetrius's protection of Thessalonica see Symeon Metaphrastes, *S. Demetrii Martyris Acta*.

53. See H. Delehay, *op. cit.*, 404 ff.

54. Julian, *Misop.* 344A, τοῖς περὶ τοὺς τάφους καλινδουμένοις γράδιοις, controverted by Greg. Naz. *Or.* IV. 69, 70, Cyr. Alex. *c. Iulianum*, x. FAUSTUS THE MANICHEE: Aug. *c. Faust.* xx. 21; cf. *Serm.* 273 for a vigorous defence of the cult of martyrs. VIGILANTIUS: Jerome, *c. Vigil.* 4, 6, 8.

55. PAGAN MIRACLES: Eun. *V. Soph.* v. 2, VII. 2.

56. For the system of *libelli* see Aug. *Civ. Dei*, XXII. viii. 20-1; an actual libellus is preserved in Aug. *Serm.* 322. CATALOGUES OF MIRACLES: *de miraculis S. Stephani protomartyris* (PL XLI. 833-54), Aug. *Civ. Dei*, XXII. viii.

57. SEVENTY MIRACLES IN TWO YEARS: Aug. *Civ. Dei*, XXII. viii. 20. The miracle narrated in the text is in the Evodian collection (II. 3).

58. Aug. *Ep.* 78.

59. Greg. Nyss. *Or. de deitate Filii et Spiritus Sancti* (PG XLVI. 557).

60. ARIUS'S THALEIA: Ath. *de Syn.* 15, *Or. c. Arianos*, i. 4. Augustine's remarks on his *Psalmus contra partem Donati* are in *Retract.* I. 20. It was a counterblast to Donatist songs composed by Cresconius (Aug. *Ep.* 55 §34, *Praedestinatus*, I. 44). In Egypt songs of Melitius are mentioned in the Canons of Athanasius (12). For the addition to the Trisagion see Zach. Myt. *Chron.* VII. 7, 9.

61. I have dealt more fully with this topic in *JTS* x (1959), 280-98. The story of Theoderic and the deacon is in Theodore Lector, II. 18.

62. HUNNERIC'S PUBLIC DEBATE: Victor Vit. II. 39 ff. EURIC'S ATTITUDE: Sid. *Ap. Ep.* VII. 6 §6, sed, quod fatendum est, praefatum regem Gothorum, quamquam sit ob virium merita terribilis, non tam Romanis moenibus quam legibus Christianis insidiaturum pavesco. tantum, ut ferunt, ori, tantum pectori suo catholici mentio nominis acet, ut ambigas, ampliusne suae gentis an suae sectae teneat principatum. ad hoc armis potens acer animis alacer annis hunc solum patitur errorem, quod putat sibi tractatum consiliorumque successum tribui pro religione legitima, quem potius assequitur pro felicitate terrena.

63. For the Donatists see *JTS* x (1959), 282-6.

64. EGYPTIAN REVOLT UNDER MARCUS: Cassius Dio, LXXII. 4. THE PROPHECY OF THE POTTER: *P. Oxy.* 2332.

65. It has been urged by Stein (*Hist. du Bas-Empire*, II. 164) that the riots which accompanied the installation of Dioscorus II, a monophysite appointed by Anastasius, show that the Egyptians were hostile to the imperial government even when it was on their side in the theological controversy. The incident is related in Theophanes, A.M. 6009 and Malalas, 401 and fr. 41. It appears that the Alexandrians insisted on Dioscorus being elected and consecrated by the local clergy and bishops in due form, which shows that they

were jealous of the canonical rights of the see, and that they next day lynched the Augustal prefect, according to Malalas because of a shortage of bread, according to Theophanes because he praised Anastasius. Even if the latter version is correct, the story will hardly bear the weight which Stein gives to it; Dioscorus was accepted as patriarch.

66. For anti-Chalcedonian feeling at Ephesus see Zach. Myt. *Chron.* iv. 5, v. 4, Hormisdas, *Ep.* 75.

67. See V. Inglisian, 'Chalkedon und die Armenische Kirche', in A. Grillmeier and H. Bacht, *Das Konzil von Chalkedon* (Würtzburg, 1953) II. 361-417.

68. MONOPHYSITISM IN PALESTINE: *A.C.Oec.* II. i. 483 ff., Evagr. II. 5, Zach. Myt. *Chron.* III. 3 ff.; AT THESSALONICA: Hormisdas, *Ep.* 100. THE JOURNEYS OF JAMES BARADAEUS: Joh. Eph. *V. SS. Or.* i, cf. the similar journeys of John of Hephæstopolis (Joh. Eph. *V. SS. Or.* xxv). For monophysite communities in various parts of Asia Minor see Joh. Eph. *HE* I. 14, 39, II. 52, IV. 19, v. 6, *V. SS. Or.* xlvi, Joh. Maium. *Pleroph.* 21, 28, 44-6, 64, 80, 82, 83, 85.

69. THE CIRCUMCELLIONS: Opt. III. 4, Aug. *Ep.* 108 §18, 185 §15.

70. PAMMACHIUS AND HIS DONATIST TENANTS: Aug. *Ep.* 58.

71. The importance of *φιλανθρωπία* in pagan morals is discussed by G. Downey, *Historia* IV (1955), 199 ff. For the Hellenic virtue of forgiveness (especially of one's enemies) see Lib. *Or.* xv. 22 ff., XIX. 12-13, XLIII. 18, *Ep.* 75, 256, 823, 1120, 1397, 1414.

72. See Lib. *Or.* XI. 134-8, Aug. *c. Acad.* I. 2 for the liberality expected of decurions.

73. Amb. *Off.* II. 109.

74. Julian, *Ep.* 49.

75. On Christian teaching on almsgiving see E. F. Bruck, *Kirchenväter und Sozialen Erbrecht* (Berlin, 1957).

76. On homosexual practices see Lib. *Or.* XXXVIII. 8-11, XXXIX. 5-6 and especially LIII. 6 ff.; Joh. Chrys. *adv. opp. vit. mon.* III. 8. DIOCLETIAN ON INCEST: *Coll.* VI. 4, 295. INCEST IN MESOPOTAMIA: Just. *Nov.* cliv (535-6).

77. For the *lex Iulia de adulteriis* see Dig. XLVIII. v. The remark on the chastity of husbands is from Ulpian (Dig. XLVIII. v. 14 §5). FREQUENCY OF DIVORCE: Jerome, *Ep.* 123 §9. CONCUBINES: Paulus, *Sent.* II. xx. 1, eo tempore quo quis uxorem habet concubinam habere non potest, *CJ* v. xxvi. 1, 326, nemini licentia concedatur constante matrimonio concubinam penes se habere.

78. CONCUBINES: Aug. *Serm.* 392 §2, concubinas vobis habere non licet, audiat Deus si vos surdi estis, audiant angeli eius si vos contemnitis. concubinas vobis habere non licet. et si non habetis uxores, non licet vobis habere concubinas; *C. Tol.* I, can. 17, si quis habens uxorem fidelis concubinam habeat, non communicet: ceterum is qui non habet uxorem et pro uxore concubinam habeat, a communione non repellatur, tantum ut unius mulieris aut uxoris aut concubinae, ut ei placuerit, sit coniunctione contentus; in *C. Aurel.* III, can. 9, men who have had a wife and a concubine successively are debarred from holy orders as *bigami*, but are not otherwise penalised. AUGUSTINE ON ADULTERY: Aug. *de Serm. Dom. in Monte*, I. 43 ff., but cf. *Retract.* I. 18. REMARRIAGE AFTER

DIVORCE: Origen, *Comm. in Matth.*, xiv. 23, *C. Arel.* I, can. 10, Epiph. *adv. Haer.* lix. 4, Aug. *de adult. coniug.* I. 28, *de bono coniug.* 7, *de fide et oper.* 35, *Cod. Can. Eccl. Afr.* 102, *C. Venet.* can. 2.

79. *CTb* III. xvi. 1, 331, 2, 421.

80. Th. II, *Nov.* xii, 439, Val. III, *Nov.* xxxv §11, 452, *CJ* v. xvii. 8, 449, 9, 497.

81. JUSTINIAN'S LAW ON DIVORCE: *CJ* v. xvii. 10, 528, Just. *Nov.* xxii §§3-19, 536, cxvii §§8-15, 542 (§8 forbids divorce by consent and §13 gives the penalties for divorce without due cause), cxxvii §4, 548, cxxxiv §11, 556 (equalizing the penalty for husbands and wives). JUSTIN II'S LAW: Just. *Nov.* cxl, 566. THE EGYPTIAN DIVORCE: *Chr.* II. 297.

82. *Cod. Can. Eccl. Afr.* 102, placuit ut secundum evangelicam et apostolicam disciplinam neque dimissus ab uxore neque dimissa a marito alteri coniungatur, sed ita maneat aut sibimet reconcilientur; quod si contempserint, ad poenitentiam redigantur, in qua causa legem imperialem petendum est promulgari. Asterius Amas. *Hom.* 5 (*PG* XL. 228).

83. PROSTITUTION AND THE COLLATIO LUSTRALIS: Zos. II. 38; Evagrius (III. 41) refused to believe that Constantine could have been the author of so wicked a tax. CONSTANTINE ON BARMAIDS: *CTb* IX. vii. 1, 326. FLORENTIUS'S LAWS: *CTb* XV. viii. 2, 428, Th. II, *Nov.* xviii, 439; the first law is addressed to Florentius and probably inspired by his *suggestio*. LEO'S LAW: *CJ* XI. xli. 7.

84. THEODORA AND THE CONVENT OF REPENTANCE: Malalas, 440-1, Proc. *Aed.* I. ix. 5-10, *HA* xvii. 5-6. JUSTINIAN'S LAW: Just. *Nov.* xiv, 535.

85. PROHIBITION OF MIXED BATHING: *Const. Apost.* I. 6, 9, *C. Laod.* can. 30. Jerome, *Ep.* 14 §10, sed qui in Christo semel lotus est, non illi necesse est iterum lavare. AUGUSTINE'S NUNS: Aug. *Ep.* 211 §13. Barsanuphius, p. 336. Cf. Jerome, *Ep.* 107 §11, mihi omnino in adulta virgine lavacra displicent, quae seipsam debet erubescere et nudam videre non posse. si enim vigiliis et ieiuniis macerat corpus suum et in servitutum redigit, si flammam libidinis et incentiva ferventis aetatis extinguere cupit continentiae frigore . . . cur e contrario balnearum fomentis sopitos ignes suscitatur? For Sisinnius see Soc. VI. 22.

86. It would be a Herculean task to assemble all the Christian diatribes against all forms of games. Typical among the Latins are Lactantius, *Div. Inst.* VI. 20, *Epit.* 58, Augustine, *de symbolo*, 3-5, Salvian, *Gub. Dei*, VI passim. Among the Greeks John Chrysostom is particularly insistent (e.g. *Hom. de Lazaro*, VII. 1-2, *de Anna*, IV. 1-2, *contra ludos et theatra*, passim). The pagan associations of the games are stressed by Lactantius (*Div. Inst.* VI. 20 ad fin.) and Salvian (*Gub. Dei*, VI. 12, 60). ACTORS AND CHARIOTEERS: *Const. Apost.* VIII. 32, *C. Ilib.* can. 62, *C. Arel.* I, can. 4, 5, *C. Carth* III, can. 35, *C. Arel.* II, can. 20; cf. Jerome, *V. Hilar.* 16.

87. PROHIBITION OF GLADIATORS IN THE EAST: *CTb* XV. xii. 1, 325, Eus. *V. Const.* IV. 25, *Lib. Or.* I. 5; in the West, Theod. *HE* v. 26; gladiatorial games still went on at Rome when Augustine was a young man (*Conf.* VI. 13), cf. also *CTb* XV. xii. 3, 397. *Venationes* were still going on in the West in the middle of the fifth century (Salv. *Gub. Dei*, VI. 10-11); banned by Anastasius (Josh. Styl. 34, Proc. Gaz. *Pan.* 15-6) they continued in the East under Justinian (*Nov.* cv §1, 536, *CJ* XI. xli. 5, in which 'bestias histriones' has been interpolated by the Justinianic editors into *CTb* XV. v. 3).

88. MIMES BANNED BY ANASTASIUS: Josh. Styl. 46, Proc. Gaz. *Pan.* 15-6; for their survival see Just. *Nov.* cv §1, 536, *CJ* xi. xli. 5 (see n. 87). THE MAIUMA: *CTh* xv. vi. 1 (= *CJ* xi. xlv. 1), 396, 2, 399; John Chrysostom is very severe on this feast (*Hom. in Matth.* vii. 6).

89. *V. Hypatii*, 107-9.

90. The first quotation is from Joh. Chrys. *Hom. in Genesim*, xliii. 1. For laudation of the monastic life see *Hom. in Matth.* lv. 5, lxviii. 3, lxix. 3-4, lxxii. 3-4, *Hom. in Ep. 1 ad Tim.* xiv. 3-5, and above all the three books *Adversus oppugnatores vitae monasticae*. The second quotation is from i. 7 of this work, and the advice to all Christians to become monks in i. 8. GREGORY THE GREAT: *Greg. Ep.* iii. 61.

91. LATE BAPTISM: Basil, *Hom.* xiii, Greg. Naz. *Or.* xl, Greg. Nyss. *de baptismo; Const. Apost.* vi. 15, Joh. Chrys. *Hom. in Job.* xviii. 1, *Hom. in Act.* i. 6, 8, *Hom. in Ep.* ii Cor. ii. 6.

92. CONSTANTIUS II: Soc. ii. 47. THEODOSIUS I: Soc. v. 6, Soz. vii. 4. AMBROSE: Paul. *V. Amb.* 9. SATYRUS: Amb. *de excessu fratris sui Satyri*, i. 43 ff. JUNIUS BASSUS: *ILS* 1286. THE ELDERLY ROMAN: *ILCV* 1483. Cf. Orosius, vii. xxxiii. 7 (*Theodosius comes*) cf. Pall. *Hist. Laus.* xi (Rufinus).

93. Zach. *V. Sev.* p. 11.

94. There is an excellent and fully documented account of penance in J. Bingham, *Antiquities of the Christian Church*, book xviii. PENANCE ALLOWED ONCE ONLY: Amb. *de Poenitentia*, ii. 10, Aug. *Ep.* 153 §7, Siricius, *Ep.* i §5, *C. Arel.* ii, can. 21, *C. Venet.* can. 3, *C. Turon.* i, can. 8, *C. Aurel.* i, can. 11. RULES TO BE OBSERVED AFTER PENANCE: Siricius, *Ep.* i §5, de his . . . qui acta poenitentia tamquam canes et sues ad vomitus pristinos et volutabra redeuntes et militiae cingulum et ludicras voluptates et nova coniugia et inhibitos denuo appetivere concubitus, quorum professam incontinentiam generati post absolutionem filii prodiderunt, Leo, *Ep.* 167 §10 (no litigation), §11 (no trade), §12 (no militia), §13 (chastity, with indulgence for young men), *C. Arel.* ii, can. 21 (marriage forbidden). DEATH BED PENANCE: Innocent, *Ep.* 6 §2, et hoc quaesitum est, quid de his observare oporteat, qui post baptismum omni tempore incontinentiae voluptatibus debiti in extremo fine vitae suae poenitentiam simul et reconciliationem communionis exposcunt; Leo, *Ep.* 108, 167 §7, de his qui in aegritudine poenitentiam accipiunt et cum revaluerint agere eam nolunt, §9, de his qui dolore nimio perurgente rogant dari sibi poenitentiam et cum venerit presbyter daturus quod petebant, si dolor parum perquieverit, excusant et nolunt accipere quod offertur, *Stat. Eccl. Ant.* 76, si supervixerit . . . subdatur statutis poenitentiae legibus quamdiu sacerdos qui poenitentiam dedit probaverit, *C. Araus.* i, can. 3, *C. Epaon.* can. 36. WARNINGS AGAINST POSTPONING PENANCE: Aug. *Serm.* 393, Caesarius, *Serm.* 60, 61, 63.

95. Soc. v. 19, Soz. vii. 16. *C. Tol.* iii, can. 11, quoniam comperimus per quasdam Hispaniarum ecclesias non servandum canonem sed foedissime pro suis peccatis homines agere poenitentiam, ut quotiescumque peccare libuerit toties a presbyteris se reconciliari expostulent; ideo pro coercenda tam execrabili praesumptione id a sancto concilio iubetur ut secundum formam canonum antiquorum detur poenitentia.

96. *C. Arel.* i, can. 7, de praesidibus qui fideles ad praesidatum prosiliunt, placuit ut cum promoti fuerint litteras accipiant ecclesiasticas communicatorias,

ita tamen ut in quibuscumque locis gesserint, ab episcopo eiusdem loci cura illis agatur, et cum coeperint contra disciplinam agere, tum demum a communione excludantur. similiter et de his qui rempublicam agere volunt.

97. Amb. *Ep.* 25. Innocent, *Ep.* 6 §3.

98. Basil, *Ep.* 188 §13. A similar view is voiced by Lactantius (*Div. Inst.* vi. xx. 15-7) and by Paulinus of Nola (*Ep.* 25 §3). Under Diocletian there were some Christian conscientious objectors such as Maximilianus and Marcellus (Krüger, *Ausgewählte Martyrerakten*<sup>3</sup>, nos. 19, 20), but the first Council of Arles condemned such conduct (*C. Arl.* i, can. 3, de his qui arma proiciunt in pace placuit abstineri eos a communione).

99. *Ep. ad Gallos*, 10; cf. 4, de eo qui militaverit iam fidelis militiae saecularis notitia est quod utatur publica libertate. quis enim potest illum custodire? quis negare vel spectaculis interfuisse vel pecuniae utilitate impulsam a violentia et iniustitia immunem esse non potuisse? BAN ON HOLY ORDERS: Siricius, *Ep.* 5 §2, Innocent, *Ep.* 37 §3, Symmachus, *Ep.* 15 §11 (cited in ch. XXII, n. 135). On penance see above n. 94. AUGUSTINE TO CAECILIANUS: Aug. *Ep.* 151 §14. PAULINUS ON PUBLIC SERVICE: Paul. *Ep.* 25, 25\*.

#### XXIV. EDUCATION AND CULTURE (pp. 987-8)

On the subject of education and literary culture I rely heavily on H. I. Marrou, *A history of education in Antiquity*, London, 1956, and *Saint Augustin et la fin de la culture antique*<sup>2</sup>, Paris, 1958.

1. GREEK AT SCHOOL: Aug. *Conf.* i. 20-3; for an estimate of Augustine's Greek scholarship see H. I. Marrou, *Saint Augustin et la fin de la culture antique*<sup>2</sup>, Paris, 1958, 27-46, 631-7. PAULINUS: Paul. *Euch.* 72 ff., 113 ff. SYMMACHUS: Symm. *Ep.* iv. 20.

2. SIDONIUS: Sid. *Ap. Ep.* iv. 12. FULGENTIUS: *V. Fulg.* 4-5. GRATIAN'S LAW: *CTh* xiii. iii. 11, 376; nevertheless Ausonius records several Greek grammarians of Bordeaux (*Prof.* viii, xiii, xxi) and declares that the rhetor Alethius was versed in Greek as well as in Latin (*Prof.* ii).

3. On the survival of Greek learning in the West see P. Courcelle, *Les lettres grecques en Occident de Macrobe à Cassiodore*<sup>2</sup>, Paris, 1948. PRAETEXTATUS: *ILS* 1259, tu namque quidquid lingua utraque est proditum cura soforum, porta quis caeli patet, vel quae periti condidere carmina, vel quae solutis vocibus sunt edita, meliora reddis quam legendo sumpseras; he translated Themistius's commentary on Aristotle's *Analytics* (Boeth. *comm. in Arist.*, secunda editio, i. 1). For the other scholars their extant works are witness. CASSIAN: Gennadius, *de script. eccl.* 61, Cassianus natione Scythia. DIONYSIUS: Cass. *Inst.* 23, fuit enim nostris temporibus et Dionysius monachus, Scythia natione sed moribus omnino Romanus, in utraque lingua valde doctissimus.

4. Cassian, *Inst.* v. 39. Cf. Jerome's complaint (Aug. *Ep.* 172), grandem Latini sermonis in ista provincia (Palestine) notariorum patimur penuriam.

5. LATIN FORMULAE IN JUDICIAL RECORDS: *Chr.* II. 96-7, *P. Lips.* 38, 40, *P. Zilliacus*, 4, *Sb* 5357, *P. Thead.* 13, *PSI* 1309, *P. Ryl.* 653-4, 702, *P. Oxy.* 1876-9, *P. Cairo*, 67329; in the last document Latin is used even in the court records of a *defensor civitatis* in the sixth century. LATIN IN THE PRAETORIAN PREFECTURE OF THE EAST: Joh. Lydus, *Mag.* II. 12, III. 42; cf. III. 3 and 12 for fragments of Latin formulae. Latin was still preserved in the *scrinium Europae* until the time of John the Cappadocian (*ibid.* III. 68).

6. ABINNAEUS DOCUMENTS: *P. Abinn.* I. 2; in 16 an officer signs a letter dictated in Greek 'et te per multos annos bene valere'. LETTER OF THE COMES THEBAIDOS: *P. Ryl.* 609. Cf. also *SPP* xx. 285-7 (military accounts in Latin in 398).

7. JUDGMENTS IN GREEK: *CJ* VII. xlv. 12, 397; this law was, curiously enough, addressed by Honorius to the proconsul of Africa. WILLS IN GREEK: Th. II, *Nov.* xvi §8, 439, *illud etiam huic legi perspicimus inserendum ut quoniam Graece iam testari concessum est legata quoque ac directas libertates, tutores etiam Graecis verbis liceat in testamentis relinquere*. For the citation of an imperial constitution in Greek see *Sb* 8246.

8. LATIN AND LAW: Lib. Or. II. 43-4, XLVIII. 22-3. For the transition to Greek in the schools of Berytus see Collinet, *Histoire de l'école de droit de Beyrouth*, 211 ff. and for Greek translations of and commentaries on the Corpus Iuris, Jolowicz, *Historical Introduction to Roman Law*<sup>2</sup>, pp. 512-3.

9. CONSTANTINE'S GREEK: Eus. *V. Const.* IV. 35; he delivered his formal oration opening the Council of Nicaea in Latin (*op. cit.* III. 13), but from the same chapter and from Eusebius' letter in Theod. *HE* I. 12 it is plain that he followed the debate in Greek, cf. also *CTh* VIII. xv. 1, where he argues with a Greek speaking litigant. Valens knew no Greek (*Them. Or.* IX. 126b). RUFINUS: Lib. *Ep.* 865; Festus of Tridentum, consular of Syria and proconsul of Asia, knew no Greek (*Lib. Or.* I. 156). Libanius often complains that owing to its advantages in public life Latin is ousting traditional Greek education (*Or.* I. 214, 234, *Ep.* 951, 957, cf. Greg. Nyss. *Ep.* 14).

10. LATIN SCHOOLBOOKS FROM EGYPT: *Corpus pap. Lat.* I-8, 21-2, 58-62, 277-81. YOUNG MEN SENT TO BERYTUS AND ROME: Lib. Or. XLVIII. 22.

11. LACTANTIUS: Jerome, *de viris illustr.* 80; Paul, who became Novatian bishop of Constantinople in 419, had previously taught Latin literature (*Soc.* VII. 17). Libanius (*Ep.* 363) mentions a Latin grammarian, Celsus, who taught at Antioch. THE UNIVERSITY OF CONSTANTINOPLE: *CTh* XIV. ix. 3, 425. PRISCIAN: Cass. *de orthogr.* 12, ex Prisciano grammatico, qui nostro tempore Constantinopoli doctor fuit. JOHN: Joh. Lydus, *Mag.* III. 29. Pope Gregory complained that in his day there was no one in Constantinople who could translate Latin into Greek idiomatically (*Greg. Ep.* VII. 27).

12. STRATEGIUS: Amm. XV. xiii. 1; for his *comitiva* see Ath. *Hist. Ar.* 15, *Apol. c. Ar.* 36. SUBSTANTIA: Jerome, *Ep.* 15 §§3-4. ROMAN LEGATES AT EPHESUS: *A.C.Oec.* II. i. 191, Ἰλαρὸς διάκονος τῆς Ῥωμαίων ἐκκλησίας εἶπεν. κοντραδικιτοῦρ, ὃ ἐστὶν ἀντιλέγεται; cf. 190, where he speaks ἐρμηνεύοντος αὐτὸν Φλωρεντίου ἐπισκόπου Ἀνδῶν.

13. On Syriac literature see A. Baumstark, *Geschichte der Syrischen Literatur*, Bonn, 1922. For Syriac schools see below, n. 52. Uranius, bishop of Himeria in Osrhoene, had to use an interpreter (*A.C.Oec.* II. i. 98-9, 184, 190, 193, 382), and of the Edessene clergy eighteen signed the testimonial to Ibas in Syriac (*A.C.Oec.* II. i. 394-6).

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14. On Coptic literature see J. Leipoldt, *Geschichte der Koptischen Literatur*, Leipzig, 1907. We know of an Egyptian bishop, Calosirius of Arsinoites, who knew no Greek (*A.C.Oec.* II. i. 185).

15. For the Gothic scriptures see J. Zeiller, *Les origines chrétiennes dans les provinces danubiennes*, 465 ff. THE RAVENNATE DEED: *P. Dip.* 119.

16. Sulp. Sev. *Dial.* I. 27. Jerome, *Comm. in Ep. Gal.* ii.

17. *Ep. Severi*, 15.

18. PUNIC: Aug. *Ep.* 66, 108 §14, 209 §3; in *Ep.* 84 §2 *Punica* must surely be read for *Latina*, for Hippo had no shortage of Latin speaking clergy; cf. also in *Ep. Joh. ad Parthos*, II. 3, *Serm.* 167 §4, proverbium notum est Punicum quod quidem Latine vobis dicam quia Punice non omnes nostis, and Jerome, *Ep.* 130 §5, stridor linguae Punicae. For the resemblance of Punic to Hebrew see Aug. *Serm.* 113 §2, *c. litt. Pet.* II. 239.

19. THRACIAN: Greg. Nyss. *c. Eunom.* xii (PG XLV. 1045), Joh. Chrys. *Hom. hab. in eccl. Pauli* (PG LXIII. 501). MONASTERY OF THE BESSI: Sym. Metaphr. *V. Theod. Coenob.* 37; cf. *Itin. Hierosol. Antoninus*, 37 (Bessic spoken at the monastery of Sinai). One of Auxentius's disciples τῇ γλώττῃ μὲν βάρβαρος ὑπῆρχεν ἐκ τῆς Μυσίας ὁμώμενος (*V. Auxentii*, 57); in Greek of this period *Μυσία* nearly always means Moesia, and the language was no doubt Thracian or Illyrian.

20. GALATIAN: Jerome, *Comm. in Ep. Gal.* ii, Cyr. Scyth. *V. Euthymii*, 55. CAPPADOCIAN: Basil, *de Spir. Sancto*, 74, καὶ Καππαδόκων δὲ οὕτως λέγομεν ἐγγχωρίως. LYCAONIAN: *V. Marthae*, 41 (*AASS* Mai. v. 413C). ISAURIAN: Holl, *Hermes* XLIII (1908), 243 (quoting an unpublished fuller version of *V. Sym. Jun.*).

21. SYRIAC SPOKEN BY PEASANTS: Joh. Chrys. *Hom. ad pop. Ant.* xix. 1. PUBLIUS OF ZEUGMA: Theod. *Hist. Rel.* v. MACEDONIUS AND THALELAEUS: *ibid.* xiii, xxviii. PROCOPIUS: Eus. *Mart. Pal.* I §1. ELUSA: Jerome, *V. Hilar.* 25. GAZA: *V. Porph.* 66-8. Daniel the Stylite, who came from Marathas near Samosata, could speak Syriac only (*V. Dan.* 2-3, 10, 14, 17, 28).

22. E. Maier-Leonhard, *Ἀγράμματοι* (Frankfurt, 1913), provides lists of literate and illiterate persons (pp. 23-24, 56-64) and classifies them by rank and profession (pp. 76-8); of those who act as scribes nine (nos. 382, 389, 411, 418, 436, 450, 469, 471, 473) are clergy.

23. INTERPRETERS AT TRIAL: *Sb* 8246. MONKS: Ruf. *Hist. Mon.* 7, ad fin. BILINGUAL EDICT: *P. Cairo*, 67031.

24. See above n. 18 for Punic and n. 23 for Coptic. The linguistic situation in Palestine is described in *Itin. Hierosol.*, *S. Silvia*, 47, et quoniam in ea provincia pars populi et graece et siristi novit, pars etiam alia per se graece, aliqua etiam pars tantum siriste, itaque quoniam episcopus licet siriste noverit tamen semper graece loquitur et numquam siriste, itaque ergo stat semper presbyter qui episcopo graece dicente siriste interpretatur, ut omnes audiant quae exponantur. lectiones etiam quaecumque in ecclesia leguntur, quia necesse est graece legi, semper stat qui siriste interpretatur propter populum ut semper discant.

25. Aug. *Retract.* I. 19.

26. SCHOOLMASTERS' PAY: *Ed. Diocl.* vii. 66, magistro institutori litterarum in singulis pueris menstros (denarios) L, cf. 70, 71 for grammarians and rhetors;



UNPRIVILEGED STATUS: *Dig. L. v. 2 §8*, qui pueros primas litteras docent immunitatem a civilibus muneribus non habent.

27. PROTOGENES: Theod. *HE* iv. 18. SIMEON AND SERGIUS: Joh. Eph. V. SS. *Or. v.* SYLLABUS OF PRIMARY SCHOOLS: Aug. *Conf.* i. 20, adamaveram enim Latinas, non quas primi magistri, sed quas docent qui grammatici vocantur. nam illas primas, ubi legere et scribere et numerare discitur, non minus onerosas poenalesque habebam quam omnes graecas; cf. i. 22 for the tables.

28. FEES OF GRAMMARIANS AND RHETORS: *Ed. Diocl.* vii. 70, grammatico Graeco sibe Latino et geometrae in singulis discipulis menstruos (denarios) ducentos, 71, oratori sibe sofistae in singulis discipulis menstruos (denarios) ducentos quinquaginta. AUGUSTINE SENT TO MADAURUS: Aug. *Conf.* ii. 5. AETIUS: Philostorgius, p. 45. John Chrysostom (*de sacerdotio*, i. 5) stresses the expense of a rhetorical education.

29. PRIVILEGES OF PROFESSORS: *CTb* XIII. iii. 1, 321, 3, 333, XI. xvi. 15, 382, 18, 390, XIII. iii. 16+17, 414. For the professors of the capitals see ch. XVIII, nn. 46-7. Gratian, by an exceptional measure, evidently inspired by Ausonius, gave salaries from imperial funds (*e fisco*) to professors in the metropoleis (*CTb* XIII. iii. 11, 376, cited in n. 30). Justinian provided from public funds for two rhetors and two grammarians in Africa, presumably at Carthage (*CJ* i. xxvii. 1 §42, 534). MUNICIPAL SALARIES: *CTb* XIII. iii. 1, 321, mercedes etiam eorum et salaria reddi praecipimus. In *CTb* XIII. iii. 11 (see n. 30), the clause 'nec vero iudicemus, liberum ut sit cuique civitati suos doctores et magistros placito sibi iuvare compendio' must, I think, refer to cities other than the metropoleis, where the salaries were paid 'e fisco'. See also Pan. Lat. ix. 11, salarium me liberalissimi principes ex huius rei publicae viribus in sexcentis milibus nummum accipere iusserunt (cf. 14, denique etiam salarium te in sexcentis milibus nummum ex rei publicae viribus consequi volumus), and Proc. *HA* xxvi. 5-7, where professorial salaries are mentioned as a normal civic expense.

30. Municipal chairs can be identified where the professor was appointed by the city council, as at Milan (Aug. *Conf.* v. 23), Nicomedia, Nicaea, Athens (Lib. *Or.* i. 48, 83) or Apamea (Lib. *Ep.* 1366), or where a salary was paid, as at Antioch (Lib. *Or.* xxxi. 19), Apamea (Lib. *Ep.* 1391), Carthage (*CJ* i. xxvii. 1 §42) or Gaza (Proc. *Gaz. Ep.* 50). GRATIAN'S LAW: *CTb* XIII. iii. 11, 376, per omnem dioecesim commissam magnificentiae tuae frequentissimis in civitatibus, quae pollent et eminent claritudine, praeceptorum optimi quique erudiendae praesideant iuventuti: rhetores loquimur et grammaticos Atticae Romanaeque doctrinae. quorum oratoribus viginti quattuor annonarum e fisco emolumenta donentur, grammaticis Latino vel Graeco duodecim annonarum deductior paulo numerus ex more praestetur, ut singulis urbibus, quae metropoles nuncupantur, nobilium professorum electio celebretur, nec vero iudicemus, liberum ut sit cuique civitati suos doctores et magistros placito sibi iuvare compendio. Trevirorum vel clarissimae civitati uberius aliquid putavimus deferendum, rhetori ut triginta, item viginti grammatico Latino, Graeco etiam, si qui dignus repperiri potuerit, duodecim praebeantur annonae.

31. LIBANIUS'S STUDENTS: Lib. *Or.* LXII. 27-8; cf. Petit, *Les Étudiants de Libanius*, pp. 112-5.

32. LENGTH OF COURSE: Petit, op. cit. pp. 63-6.

33. STUDIES AT ALEXANDRIA: Amm. XXII. xvi. 17-8, Greg. Naz. *Or.* vii. 6-7.

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According to Gregory Nazianzen Basil studied not only grammar and rhetoric but philosophy, astronomy, geometry, arithmetic and theoretical medicine at Athens (*Or.* XLIII. 23). PHILOSOPHY AND LAW AT CONSTANTINOPLE: *CTh* XIV. ix. 3, 425; AT ROME, Symm. *Rel.* 5 (philosophy), Lib. *Or.* XLVIII. 22 (law). LEGAL COURSE AT BERYTUS: *Dig. const.* Omnem. CERTIFICATE OF STUDY: *CJ* II. vii. 11 §2, 460, 22 §4, 505, 24 §4, 517. LAW TEACHING LIMITED TO ROME, CONSTANTINOPLE AND BERYTUS: *Dig. const.* Omnem §7.

34. PRIVATE TEACHERS BANNED AT CONSTANTINOPLE: *CTh* XIV. ix. 3, 425.

35. TAVIUM: Lib. *Ep.* 1080. ILERDA: Auson. *Prof.* 23. AUGUSTINE'S CAREER: Poss. *V. Aug.* I, *Aug. c. Acad.* II. 3, *Conf.* IV. 2, V. 14, 22-3. LIBANIUS'S CAREER: Lib. *Or.* I. 31 ff.

36. For Rome and Constantinople see pp. 707-8, JULIAN'S LAW: *CTh* XIII. iii. 5, 362.

37. LIBANIUS'S CAREER: Lib. *Or.* I. 48 ff.

38. LIBANIUS AS A STUDENT: Lib. *Or.* I. 5, 8-9, 11-25. AUGUSTINE'S DIFFICULTIES: *Aug. Conf.* II. 5, *c. Acad.* II. 3. Rusticus after learning rhetoric in Gaul was sent to Rome to complete his studies (Jerome, *Ep.* 125), and Ennodius' nephew Parthenius was also sent to Rome, presumably from Ticinum (Ennod. *Ep.* v. 9-12, VI. 1, 23, VII. 30-1). Basil studied at Caesarea and then at Constantinople and Athens (Greg. Naz. *Or.* XLIII. 13-4).

39. LIBANIUS'S START AT ANTIOCH: Lib. *Or.* I. 101, *Ep.* 405; he had done much better at Constantinople, where he quickly acquired a class of 80 (*Or.* I. 37). LIBANIUS'S ASSISTANTS: Lib. *Or.* XXXI. 8 ff. SALARIES: *CTh* XIII. iii. 11, 376, *CJ* I. XXVII. 1 §42, 534.

40. GERONTIUS: Lib. *Ep.* 1391. LIBANIUS'S LOSS OF 1500 SOLIDI: Lib. *Or.* I. 61.

41. KIDNAPPING AT ATHENS: Lib. *Or.* I. 16-22, Eunap. *V. Soph.* IX. 2, X. 1, Greg. Naz. *Or.* XLIII. 15-16. BILKING OF FEES: *Aug. Conf.* v. 22, Lib. *Or.* XLIII.

42. THE ATHENIAN PHILOSOPHER: Symm. *Rel.* 5. PROFESSORS AT CONSTANTINOPLE: *CTh* VI. XXI. 1, 425. LIBANIUS'S HONOURS: Julian, *Ep.* 27, Eunap. *V. Soph.* XVI. 2. Prohaeresius was also granted an honorary prefecture (op. cit. x. 7) and Isocasius the rank of quaestor (Malalas, 369). For honours accorded to professors of law see ch. XV, n. 65.

43. For the syllabus and methods of late classical education see H. I. Marrou, *A History of Education in Antiquity*, pp. 160-75, 274-91. The verse inscriptions from Gerasa are published in C. H. Kraeling, *Gerasa, City of the Decapolis*, 476-85.

44. The declamations cited are Lib. *Decl.* III, XXI, XLIII.

45. For Augustine see H. I. Marrou, *St. Augustin et la fin de la culture antique*<sup>2</sup>, 345 ff. JEROME'S DREAM: Jerome, *Ep.* 22 §30.

46. *Const. Apost.* I. 6. DESIDERIUS: Greg. *Ep.* XI. 34.

47. JEROME: *Ep.* 21 §13. Gregory Nazianzen vigorously defends secular education, ἦν οἱ πολλοὶ Χριστιανῶν διαπύουσιν ὡς ἐπίβουλον καὶ σφαλερὰν καὶ Θεοῦ πόρρω βάλλονσαν (*Or.* XLIII. 11). He nevertheless rebukes Gregory of Nyssa for his addiction to rhetoric as causing scandal to the faithful (*Ep.* 11).

48. Tertullian, *de Idololatria*, 10. For Julian see pp. 121-2. Among the eminent Christian professors who were deprived of their chairs were Prohaeresius at Athens (Eunap. *V. Soph.* x. 8), and Victorinus at Rome (Aug. *Conf.* viii. 10).

49. Soc. iii. 16, Soz. v. 18.

50. Jerome, *Ep.* 22 §30.

51. Basil, *Reg. Brev.* 292. Marrou (*History of Education in Antiquity*, 332-3) states that the council of Chalcedon forbade monasteries to educate secular children, but I cannot trace any such prohibition. That girls were sent to nunnery schools in the West is suggested by Caesarius, *Reg. Virg.* 5, *nobilium filiae sive ignobilium ad nutriendum aut docendum penitus non accipiantur*.

52. *C. Tol.* ii, can. 1, *C. Tol.* iv, can. 24, *C. Vas.* ii, can. 1, *hoc enim placuit, ut omnes presbyteri qui sunt in parochiis constituti, secundum consuetudinem quam per totam Italiam satis salubriter teneri cognovimus, iuniores lectores quantoscumque sine uxore habuerint, secum in domo ubi ipsi habitare videntur recipiant, et eos quomodo boni patres spiritualiter nutriendos psalmos parare, divinis lectionibus insistere et in lege domini erudire contendant, ut et sibi dignos successores provideant et a domino praemia aeterna recipiant. cum vero ad aetatem perfectam pervenerint, si aliquis eorum pro carnis fragilitate uxorem habere voluerit, potestas ei ducendi coniugium non negetur*. We know only of the school of Nisibis, in Persian territory; Cass. *Inst. praef.*, Junilius, *de partibus divinae legis, praef.*, vidisse me quemdam Paulum nomine, Persam genere, qui in Syrorum schola in Nisibi urbe est edoctus, ubi divina lex per magistros publicos, sicut apud nos in mundanis studiis grammatica et rhetorica, ordine et regulariter traditur.

53. Augustine's syllabus is the *de Doctrina Christiana*, Cassiodorus's the *de Institutione Divinarum Litterarum* and the *de Artibus ac Disciplinis Liberalium Litterarum*.

54. Pan. Lat. ii. 1 §3, Sulp. Sev. *Dial.* i. 27.

55. For Dioscorus's verses see J. Maspéro, 'un dernier poète grec d'Égypte', *REG* xxiv (1911), 426-81.

56. For scientific thought see S. Sambursky, *The Physical World of Late Antiquity*, London, 1962. The inventor is the anonymous author of *de rebus bellicii*, published with translation and commentary by E. A. Thompson, *A Roman Reformer and Inventor*.

57. PRIVILEGES OF DOCTORS: *CJ* x. liii. 5 (293-305), *CTb* xiii. iii. 1, 321, 3, 333, 16 + 17, 414. ARCHIATRI SACRI PALATII: *CTb* xiii. iii. 2, 354, 4, 362, 12, 379, 14, 387, 15, 393, vi. xvi. 1, 413, xiii. iii. 16, 414, 18, 427, 19, 428; Caesarius was promoted *comes thesaurorum* (Greg. Naz. *Or.* vii. 10, 15), Vindicianus to vicar (compare *CTb* x. xix. 9 with xiii. iii. 12 and Marcellus Empiricus, ed. Helmreich, p. 21).

58. ARCHIATRI OF ROME: *CTb* xiii. iii. 8, 368, 9, 370, 13, 387, Symm. *Rel.* 27.

59. SALARIES OF PUBLIC DOCTORS: *CTb* xiii. iii. 1, 321. DOCTORS AT CARTHAGE: *CJ* i. xxvii. 1 §41, 534. PHOEBAMMON: *P. Cairo*, 67151. Valentinian's rules are in *CTb* xiii. iii. 8, 368.

60. MEDICAL CERTIFICATES: *P. Oxy.* 896, 983, *BGU* 928, *P. Lips.* 42, *P. Reinach*, 92, *P. Soc. Ath.* 34, *Sb* 6003.

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61. MEDICINE AT ALEXANDRIA: Greg. Naz. *Or.* vii. 6-7, Greg. *Ep.* xiii. 44. TEACHING OF PUBLIC DOCTORS: *CTb* xiii. iii. 3, 333, beneficia divorum retro principum confirmantes medicos et professores litterarum, uxores etiam et filios eorum ab omni functione et ab omnibus muneribus publicis vacare praecipimus nec ad militiam comprehendi neque hospites recipere nec ullo fungi munere, quo facilius liberalibus studiis et memoratis artibus multos instituant.

62. FEES OF SURVEYORS AND ARCHITECTS: *Ed. Diocl.* vii. 70 (see n. 28,) 74, architecto magistro per singulos pueros menstruos (denarios) centum. CONSTANTINE ON ARCHITECTS: *CTb* xiii. iv. 1, 334, architectis quam plurimis opus est; sed quia non sunt, sublimitas tua in provinciis Africanis ad hoc studium eos impellat, qui ad annos ferme duodeviginti nati liberales litteras degustaverint. quibus ut hoc gratum sit, tam ipsos quam eorum parentes ab his, quae personis iniungi solent, volumus esse immunes ipsisque qui discent salarium competens statui.

63. CYRIADES: Symm. *Rel.* 25, 26, *Ep.* v. 76; his predecessor on the job, Auxentius (cf. *IGR* iii. 887) held the same rank; cf. *V. Hypatii*, 126, κόμης τοῦ νομα Ἑλπίδιος ἀρχιτέκτων τοῦ βασιλέως. ISIDORE JUNIOR: *IGLS* 348-9. ANTHEMIUS: Agathias, v. 6 ff.

64. WAGES OF PAINTERS: *Ed. Diocl.* vii. 8, 9. PRIVILEGES OF PAINTERS: *CTb* xiii. iv. 4, 374.

65. SHORTAGE OF ARCHITECTS AND CRAFTSMEN: *CTb* xiii. iv. 1, 334 (cited in n. 62), 2, 337, artifices artium brevi subdito comprehensarum per singulas civitates morantes ab universis muneribus vacare praecipimus, si quidem ediscendis artibus otium sit adcommodandum; quo magis cupiant et ipsi peritiores fieri et suos filios erudire.

66. CLOSING OF BATHS AND SUSPENSION OF GAMES: Lib. *Or.* xx. 6, Joh. Chrys. *Hom. ad pop. Ant.* xiv. 6, xvii. 2. TREVIRI: Salvian, *Gub. Dei*, vi. 82-9.

67. AUGUSTINE AND ALYPIUS: Aug. *Conf.* iii. 2-3, vi. 11-13. THE COUNCIL OF ANTIOCH: Lib. *Or.* xxxv. 4, 13-14, xlviii. 6, 9, xlix. 27; see liv. 22 for a decurion who ruined himself by producing chariot races. Libanius's letters about games include 113, 217-9, 381, 439-40, 544-5, 552, 586-8, 598-9, 663, 843, 970-1, 1017, 1038, 1148, 1167, 1179-83, 1189, 1231-2, 1243, 1278-9, 1399, 1400, 1459, 1509, 1520.

68. CONVICTS AS GLADIATORS: *CTb* ix. xviii. 1, 315, xl. 2, 316, xv. xii. 1, 325, ix. xl. 8, 365, 11, 366; Symmachus's Saxons (*Ep.* ii. 46) were presumably prisoners of war. VOLUNTEERS: *CTb* xv. xii. 2, 357, universi, qui in urbe Roma gladiatorium munus impendunt, prohibitum esse cognoscant sollicitandi auctorando milites vel eos, qui palatina sunt praediti dignitate, sex auri librarum multa imminente, si quis contra temptaverit. sponte etiam ad munerarium adeuntes per officium sublimitatis tuae ad magistros equitum ac peditum aut eos, qui gubernant officia palatina, oneratos ferreis vinculis mitti conveniet, ut huius legis statuto palatii dignitas a gladiatorio detestando nomine vindicetur. Symmachus also alludes in *Ep.* ii. 46 to volunteers ('ut auctoramento lectos longus usus instituat'). WILD BEASTS: *SEG* xiv. 386 (prices), Lib. *Ep.* 1399 (popularity), 217-9 (beasts and hunters from Phoenicia), 544, 586-8, 598-9 (beasts from Bithynia), 1231-2, 1399, 1400 (beasts from Asia and Hellepont). HUNTERS: Lib. *Ep.* 217 (from Phoenicia), 1509 (from Pamphylia). BEROEA: Lib. *Or.* xxxiii. 21-5. LIBANIUS'S NEPHEW: Lib. *Ep.* 217-9, cf. 1520 for another

imperial ban on killing beasts. See also ch. XVIII, n. 43, and ch. XXIII, n. 87 for other references to *venationes*.

69. *CTb* xv. vii. 3, 376, non invidemus, sed potius cohortamur amplectenda felicitas populi studia, gymnici ut agonis spectacula refoventur (addressed to the proconsul of Africa). THE ANTIOCHENE OLYMPIA: *Lib. Or.* x (deploring the vulgarisation of the athletic contests). IMMUNITY OF VICTORS: *CJ* x. liv. 1 (286-93), athletis ita demum, si per omnem aetatem certasse, coronis quoque non minus tribus certaminis sacri, in quibus vel semel Romae seu antiquae Graeciae, merito coronati non aemulis corruptis ac redemptis probentur, civilium munerum tribui solet vacatio. ATHLETES FROM OTHER PROVINCES: *Lib. Ep.* 843, 1183 (Egypt), 1179-82 (Asia and Bithynia); in 1179 Libanius asks for the use of the *cursus publicus* to carry athletes from Asia to Antioch, and in 1180 he mentions the money awards offered by the *athlobetes* in addition to the crowns (cf. 663). In *Ep.* 1278-9 Libanius praises two young Egyptian athletes, Horus and Phanes, in terms which show that they belonged to the upper classes. Cassian (*Inst.* v. 12) uses the rules of athletic contests as an analogy, but the passage may be drawn from a literary source and not from real life.

70. CHARIOTEERS AND MAGICIANS: *Lib. Or.* xxxv. 13. HORSES TRAINED IN BITHYNIA: *Lib. Ep.* 381; BOUGHT IN SPAIN: *Symm. Ep.* iv. 62. CIVIC LEASES FOR HORSE BREEDERS: Julian, *Misop.* 370D-371A. For a famous charioteer of Constantinople under Anastasius and Justin I, who was honoured with statues in the Hippodrome and epigrams in the Anthology, see A. A. Vasiliev, 'the monument of Porphyrios in the Hippodrome at Constantinople', *Dumbarton Oaks Papers* iv (1948), 27-49; contrast Sabinus at Rome, who got a pension of 12 solidi a year only (*Cass. Var.* ii. 9).

71. What little we know about the circus factions in the Principate, which is mostly derived from inscriptions from Rome, is collected in Ruggiero, *Dizionario Epigrafico*, s.v. factio. I am not convinced by the modern theory that the factions of the later empire were political or religious groups.

72. ANASTASIUS AND THE REDS: Malalas, 393; cf. 386 for the four colours at Constantinople under Zeno. For the stables of the four factions at Rome see ch. XVIII, n. 44. In Malalas, 386, dancers are assigned to the factions, and in *Proc. HA* ix. 2, 5, Acacius, *θηρίοκομος τῶν ἐν κωνσταντινῇ θηρίων*, and Asterius the dancer belong to the Greens.

73. *Proc. BP* i. xxiv. 2-6.

74. Jerome, *V. Hilar.* 20.

75. Libanius's defence of the mime is in *Or.* lxiv. ACTORS: *C. Ilib.* can. 62, *C. Arel.* i. can. 5, de theatricis, et ipsos placuit quamdiu agunt a communione separari, *C. Carth.* iii. can. 35, ut scaenicis et histrionibus ceterisque huiusmodi personis, vel apostaticis conversis vel reversis ad dominum gratia vel reconciliatio non negetur, *C. Arel.* ii. can. 20; *CTb* xv. vii. 1, 371, 2, 371, 4+5, 380, 8, 381, 9, 381, 13, 413, *CJ* v. iv. 29, i. iv. 33, 534, *Just. Nov.* li, 536. John Chrysostom (*Hom. in Matth.* lxvii. 3) tells the story of a famous actress who entered a nunnery and remained there despite the efforts of the prefect to force her to go on the stage again.

76. For the *maiuma* see ch. XXIII, n. 88. For the Gerasene *maiuma* see Kraeling, *Gerasa, City of the Decapolis*, pp. 470-1.

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77. Libanius's *Antiochicus* (*Or.* xi) was probably delivered in 360 (for his later speeches at the Olympia see *Or.* i. 184, 222). THE BANQUET AT THE OLYMPIA: Lib. *Or.* lIII. 9 ff.; for the presents see §16 of this speech and *Or.* xxxviii. 5.

78. Symm. *Ep.* iv. 18.

79. ARVANDUS: Sid. *Ap. Ep.* i. 7 §5. RICIMER AND ANTHEMIUS: Ennod. *V. Epiph.* 343 ff. For the welcome given to Justinian's armies in Africa see Proc. *BV* i. xvi. 11, xvii. 6, xx. 1; in Italy, *BG* i. viii. 2, xiv. 5, II. vii. 35-6; the discontent at the new fiscal regime, *BV* II. viii. 25, *BG* III. i. 32-3. Though Gregory the Great was at times moved to anger against the emperor and the exarch by their apparent neglect of Rome and Italy, there is no trace in his correspondence that either he or his fellow-countrymen regarded the government of Constantinople as in any sense a foreign occupying power.

80. THE MOORISH CHIEF: *ILS* 859, pro sal. et incol. reg. Masunae gent. Maur. et Romanor. He is probably identical with the Massonas of Proc. *BV* II. xiii. 19. Cf. *AE* 1945, 97, the tomb of Masties *dux* (cf. Proc. *BV* II. xiii. 19, xx. 31), 'qui numquam periuravi neque fide fregi neque de Romanos neque de Mauros'.

81. Zos. vi. 5.

82. Zos. vi. 10.

83. For the Bacaudae see pp. 811-2. BRITISH APPEAL TO AETIUS: Gildas, 20. ARMORICAN CONTINGENT WITH AETIUS: Jordanes, *Get.* 191.

84. R. H. Charles, *The Chronicle of John Bishop of Nikiu*.

### XXV. THE DECLINE OF THE EMPIRE (pp. 1025-34)

1. Jerome, *Comm. in Ezech.* i, praef. Claudian, *de cos. Stil.* III. 159-60. Amm. XIV. vi. 3. Lact. *Div. Inst.* VII. 25.

2. Aug. *Serm.* 105, §§12-3, 296 §7, ecce quando faciebamur sacrificia diis nostris, stabat Roma, florebat Roma. modo quia superavit et abundavit sacrificium dei vestri, et inhibita sunt et prohibita sacrificia deorum nostrorum, ecce quid patitur Roma.

3. For the numbers of the barbarians see pp. 194-6.

4. See pp. 684-5.

5. For Britain and Armorica see Zos. vi. 5, 10. J. Sundwall, *Weströmsche Studien*, 8-26, has made much of the fact that in the first half of the fifth century administrative posts in Gaul were mostly filled by senators of Gallic domicile, and sees in this fact a separatist tendency which culminated in Avitus's election. But it does not seem very significant that Gallic (and Italian) senators should prefer to serve near their homes, and no reader of Sidonius Apollinaris could imagine that he did not regard himself as a Roman in the fullest sense, and

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Avitus as a real Roman emperor. GILDO AND MASCAZEL: Amm. xxix. v. 6, 21, 24, Zos. v. 11.

6. See pp. 965-9 and *JTS* x (1959), 280-98. JEWISH HOSTILITY TO THE EMPIRE: Proc. *BG* I. x. 24-5 (Naples), *Doctrina Jacobi*, iv. 7, v. 12, 16 (the East).

7. See pp. 284, 289, 310-1, 314-5.

8. See pp. 649-54, 661-3.

9. See pp. 621-3.

10. The theory which I am combating is that of F. W. Walbank, *The Decline of the Roman Empire in the West* (London, 1946).

11. See pp. 848-50.

12. See pp. 465, 871-2.

13. See pp. 812-23.

14. The strongest exponent of the depopulation theory is A. E. R. Boak, *Man-power Shortage and the Fall of the Roman Empire in the West* (London, 1955); cf. M. I. Finley's critical discussion of the work in *JRS* XLVIII (1958), 156-64.

15. For Rome and Constantinople see p. 698. ALEXANDRIA: Proc. *HA* xxvi. 41-3; I assume that the figure μυριάδας ἐς διακοσίας ἐπετείλους μεδίμνων represents the whole *annona* of the city; 2,000,000 *medimni* are equivalent to nearly 4,000,000 *artabae*, and the *annona* of Constantinople amounted to 8,000,000 *artabae*. ANTIOCH: Lib. *Ep.* 1119 (150,000), Joh. Chrys. *Laod. Ign. Mart.* 4 (200,000); there are higher figures, e.g. Malalas, 420 (250,000 killed in the earthquake of 526), Proc. *BP* II. xiv. 6 (300,000 killed on the same occasion). EGYPT: Jos. *Bell. Jud.* II. 385, πεντήκοντα πρὸς ταῖς ἑπτακοσίαις ἔχουσα μυριάδας ἀνθρώπων, διὰ τῶν Ἀλεξάνδρειαν κατοικούντων, ὡς ἔνεστιν ἐκ τῆς καθ' ἑκάστην κεφαλὴν εἰσφορᾶς τεκμήρισθαι; I take this figure to include both sexes and all ages, since the Roman census in Egypt included women and infants. CIVITAS AEDUORUM: Pan. Lat. v. 11, septem milia capitum remisisti, quintam amplius partem nostrorum censuum . . . remissione ista septem milium capitum viginti quinque milibus dedisti vires. This gives a total of 32,000 *capita*. For reasons which I do not understand all French commentators on the passage insist that the *caput* of Gaul was a fiscal unit comprising both land and population, but in 5 the orator says that the Aedui could not complain of the *novi census acerbitas*, 'cum et agros qui discripti fuerint haberemus et Gallicani census communi formula teneremur', and in 6, 'habemus enim, ut dixi, et hominum numerum qui delati sunt et agrorum modum'. This surely means that the assessment was in two schedules, *homines* and *agri*. In 12 the orator declares that, as a result of the remission, 'liberi parentes suos cariores habent et mariti coniuges non gravate tuentur et parentes adultorum non paenitet filiorum'. This surely means that the *capita* remitted were on the schedule of *homines*, which included both sexes and grown-up children. Two laws addressed to the praetorian prefect of the Gauls (*CTb* XIII. x. 4, 368, 6, 370) confirm that the *capitatio plebeia* was paid by both sexes and that children became liable before the age of twenty, and a third law (*CTb* XI. i. 26) shows that in some provinces the *plebs* was attached to estates. For the area of the Aeduan territory see A. Déléage, *La Capitation du Bas-empire*, 210; the calculation is made on the assumption that the *castra* of Matisco and Cabillonum, separately recorded in the Notitia Galliarum, were at this date still part of Aeduan territory, and makes

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the area 1,335,902 hectares. The area of Gaul is given by J. Beloch, *die Bevölkerung der griechisch-römischen Welt*, 448-9, as 63,559,830 hectares.

16. A. R. Burn, *Past and Present*, IV (1953), 1-31.

17. For the colonate see pp. 795-803. PREFERENCE FOR AURUM TIRONICUM: *CTh* VII. xiii. 12-4, 397. MINERS MOVE TO THE LAND: *CTh* X. xix. 7, 373, 9, 378. COLLEGIATI MOVE TO THE LAND: *CTh* XII. xix. 1, 400, *Maj. Nov.* vii §3, 458, *Ed. Theod.* 69. Some *coloni*, it is true, entered the civil service (*Th.* II, *Nov.* vii. 4 §2, 441, *Val.* III, *Nov.* xxvii §1, 449), and some enrolled themselves in *curiae* and *collegia* (*CTh* XII. xix. 2, 400), but in every other law of which I know fugitive *coloni* are still working on the land.

18. THE PLAGUE: *Zos.* I. 26, 37, 46.

19. For rents and taxes see pp. 807-8, 820-1. CONSTANTINE'S ALIMENTARY LAWS: *CTh* XI. xxvii. 1, 315, 2, 322. For the sale of children see pp. 853-4.

21. *JRS* XLII (1953), 55-6.

20. See pp. 810-1.

22. See pp. 695 ff. for Rome and Constantinople, and p. 735 for the other cities.

23. See pp. 556-7.

24. See pp. 737 ff.

25. See pp. 895 ff., 931-2.

26. Palladius, *de re rustica*, VII. 2, cf. Pliny, *Hist. Nat.* XVIII. 296.

27. IRRIGATION MACHINES: *P. Oxy.* 137, 192, 194, 202, 1982-91, 2244, etc. WATER-MILLS: *Ed. Diocl.* xv. 54, Palladius, *de re rustica*, I. 42; AT ROME: *CTh* XIV. xv. 4, 398, *CIL* VI. 1711, *Proc. BG* I. xix. 19-22. Water-mills are mentioned as a normal thing at Dijon by Greg. Tur. *HF* III. 19, but as something exceptional in *V. Patr.* xviii. 2. Cassian (*Coll.* I. 18) uses a water-mill as a simile. For the archaeological evidence see L. A. Moritz, *Grain-mills and flour in classical antiquity*, 131-9.

28. Anon. *de rebus. bell.* praef. 7, docebimus igitur velocissimum liburnae genus decem navibus ingenii magisterio praevalere, ita ut hae per eam sine auxilio cuiusquam turbae obruantur, 9, hunc enim pontem, amnibus paludibusque necessarium, perpauci homines aut quinquaginta fere numero iumenta portabunt, vii, sciendum est autem quod hoc ballistae genus duorum opera virorum sagittas ex se non ut aliae funibus sed radiis intorta iaculatur. For Anthemius's scientific practical jokes see Agath. v. 7-8.

29. Auson. *Mosella*, 361-4, ille praecipiti torquens cerealia saxa volatu, stridentesque trahens per laevia marmora serras, audit perpetuos ripa ex utraque tumultus. This saw mill, to our knowledge unique, was near Trier, then an imperial capital, where skilled engineers would be numerous and the demand for building stone heavy.

30. For *Caesariani* and the factory, mint and postal workers see pp. 435, 600, 833, 866; for soldiers, civil servants and *fabricenses* pp. 594-5, 615, 835.

31. For *navicularii* see pp. 827-9, for the Roman guilds pp. 699 ff. The laws cited are *CTh* VII. xxii. 2, 326, XVI. ii. 9, 349.



32. See pp. 737 ff.

33. For agricultural workers see pp. 795 ff., for miners p. 838, for craftsmen p. 861.

34. I know of five laws only which order that the antecedents of recruits should be investigated before they are accepted, *CTb* vii. ii. 1, 383, 2, 385, xiii. 1 (326-53), for the army, x. xxii. 6, 412, for *fabricenses*, *CJ* ii. vii. 11, 460, for lawyers.

35. For the preference conceded to sons of palatine civil servants and lawyers see *CTb* vi. xxiv. 2, 364, xxvii. 8, 396, *CJ* xii. xix. 7, 444, ii. vii. 11, 460, 13, 468, 22, 505, 24, 517.

36. See pp. 737 ff.

37. For a pessimistic view of the administration under the Principate see P. A. Brunt, *Historia* x (1961), 189-227. The imperial ideal is well expressed by a letter of Marcus Aurelius (from an unpublished African inscription, communicated to me by my pupil R. Duncan-Jones, of King's College). Exemplum codicillorum: Caesar Antoninus Aug. Domitio Marsiano suo salut. ad ducenariae procurationis splendorem iamdudum te provehere studens utor opportunitate quae nunc obtigit; succede igitur Mario Pudenti tanta cum spe perpetui favoris mei quantam conscientiam retinueris innocentiae diligentiae experientiae. vale, mi Marsiane karissime mihi. The high priority given to 'innocentia' suggests that it was valued, but perhaps rare.

38. For *suffragium* see pp. 393-6.

39. For the effect of the provincial governors' malpractices on the taxes see Just. *Nov.* viii pr., 535.

40. For these military abuses see pp. 644-6, 676-7.

41. For *sportulae* see pp. 467-8, 496-9.

42. For centralisation see pp. 403-6, and for inflation of numbers, sale of posts, etc., pp. 571 ff.

43. For corruption in the central secretariats see p. 410, and for the congestion of the central courts pp. 483-4. The figure of 25 per cent. is based on a tax rate of 7 solidi per *ingum* or *millena* (Val. iii, *Nov.* v §4, 440) and *remuneraciones* of 2½ solidi per *ingum* or *millena*, of which one-third went to the *curiales* and *cobortales* who really collected the tax, and two-thirds to the central offices (Maj. *Nov.* vii §16, 458, cf. p. 468).

44. The *Notitia* records 113 provinces (apart from the three proconsulates), which at 100 each (see ch. XVI, n. 73) gives 11,300 *cobortales*. There were 17 proconsuls, vicars etc. at 300 each, with a few variations up and down (see ch. XVI, n. 68), which gives 5,400 officials. There were 8 *magistri militum* at 300, and 25 *duces* at 40 (see ch. XVI, nn. 82-3), making 3,400. In the text I have allowed 1,600 for 7 *comites rei militaris* (omitting Isauria, Italia and Argentoratum, which had no *officia*, and including Hispania and Illyricum). We have no figure for the size of their *officia*, except that from Just. *Ed.* xiii §2, where the combined *officia* of the *praefectus Augustalis* and *dux Aegypti* come to 600, it may be inferred that the latter's *officium* had numbered 300. I suspect however that this is an exceptionally high figure; it seems unlikely that *comites* in general had *officia* of equal size to those of *magistri*. The praetorian prefectures are a guess (see pp

590-1) and so are the urban prefectures, on which we have no information at all. For the figures of the palatine ministries see ch. XVI, nn. 15, 21, 27, 33, 52, 54. The ministries mentioned total 2,284, and I have allowed an extra 216 for minor *officia* such as the *admissionales*, *lampadarii*, etc. I have not included domestic palace staff (*cubicularii* and *castrensi*). The following table will clarify my calculations:

113 provinces	× 100	=	11,300
12 vicars + <i>procos. Achaiae</i> + <i>praef. Aug.</i>	× 300	=	4,200
	<i>comes Orientis</i>	=	600
	<i>proconsul Africae</i>	=	400
	<i>vicarius Asianae</i>	=	200
25 <i>duces</i>	× 40	=	1,000
8 <i>magistri militum</i>	× 300	=	2,400
7 <i>comites rei militaris</i>	× 200(?)	=	1,400(?)
4 praetorian prefects	× 1,000(?)	=	4,000(?)
2 urban prefects	× 500(?)	=	1,000(?)
	30 + 30 <i>notarii</i>	=	60
	33 + 33 <i>silentiaries</i>	=	66
	130 + 130 in the <i>sacra scrinia</i>	=	260
	1,174 + 1,248 <i>agentes in rebus</i>	=	2,422
	546 + 446 <i>largitionales</i>	=	992
	300 + 300 <i>privatiani</i>	=	600
<i>admissionales, decani, lampadarii</i> etc.		=	?
<hr/>			
30,900? + ?			

The figures are of very various dates, but mostly of the fifth and sixth centuries, when it may be presumed that in general numbers had reached their maxima.

45. For *petitiones* see pp. 442-4 and for *suffragia* pp. 391-6. PRISCILLIAN: Sulp. Sev. *Chron.* II. 48. CYRIL: *A.C.Oec.* I. iv. 224. The two laws are Th. II, *Nov.* xvii. 2, 444, and *CJ* IV. lix. i, 473.

46. Marcian's pronouncement is in Marc. *Nov.* i pr., *sciens quippe felicem fore rem publicam si a nolentibus et actus publicos repulsantibus regeretur*. The same remark was made by Symmachus (*Rel.* 17) and was doubtless a commonplace.

47. ARVANDUS: Sid. *Ap. Ep.* I. 7. SERONATUS: *ibid.* VII. 7 §2.

48. BRITAIN AND ARMORICA: Zos. VI. 5. VALENTINUS: Zos. V. 15-6. SYNESIUS: Syn. *Ep.* 107-8, 113, 125, 129\*, 131-2. PUDENTIUS: Proc. *BV* I. x. 22-4. TULLIANUS: Proc. *BG* III. xviii. 20-2, xxii. 1-5, 20-1.

49. SPAIN: Orosius, VII. xli. 4-5. AFRICA: Poss. *V. Aug.* 28, Val. III, *Nov.* xii and ii. 3, 443, xxxiv, 451, Theod. *Ep.* (PG) 29-36, 52-3, (Azema) 23.

50. Orosius, VII. xli. 7, Salvian, *Gub. Dei*, v. 21-3.

51. ADRIANOPLE: Amm. xxxi. vi. 2. ASEMUS: Priscus, 5. For the defence of the Civitas Arvernorum see C. E. Stevens, *Sidonius Apollinaris and his Age*, 141 ff., 197-207. In Syria the Antiochenes manned their walls (Proc. *BP* II. viii. 11, 17), but ransoms were offered by the citizens of Sura, Hierapolis, Beroea, Chalcis, Edessa, Carrhae and Constantina (*BP* II. v. 13, vi. 24, vii. 5, xii. 2, 34, xiii. 7, 8).

52. NAPLES: Proc. *BG* I. viii-x. Contrast *BV* I. xvi. 11 (Sullectum), xvii. 6-8 (between Sullectum and Carthage), xx. 1 (Carthage), *BG* I. v. 12, 18 (Sicily), vii. 10, 31 (Salona), viii. 2 (Southern Italy), xiv. 4-5 (Rome), xvi. 3-4 (Tuscia), II. vii. 35 (Milan), x. 5-6 (Ariminum). THE GREEK MERCHANT: Priscus, 8 (pp. 86-8).

53. Salvian, *Gub. Dei*, v. 36-7; the context indicates that he is talking about peasants. DIDYMUS AND VERINIANUS: Zos. VI. 4, Soz. IX. 11, Orosius, VII. xl. 5-6. TOTILA: Proc. *BG* III. xxii. 4. DESERTION OF TULLIANUS'S PEASANTS: *ibid.* III. xxii. 20-1. CYRENAICA: Syn. *Ep.* 122. MINERS: Amm. XXXI. vi. 6, quibus accessere sequendarum auri venarum periti non pauci, vectigalium perferre posse non sufficientes sarcinas graves, susceptique libenti consensione cunctorum, magno usui idem fuere ignota peragrantibus loca, conditoria frugum occulta et latebras hominum et receptacula secretiora monstrando; cf. *CTh* x. xix. 5, 369, 7, 373, for recent laws against miners. SLAVES: Amm. XXXI. vi. 5, per Thraciarum latus omne dispersi caute gradiebantur, dediticiis vel captivis vicos uberes ostendentibus, eos praecipue, ubi alimentorum reperiri satias dicebatur, eo maxime adiumento praeter genuinam erecti fiduciam, quod confluebat ad eos in dies ex eadem gente multitudo, dudum a mercatoribus venundati, adiectis plurimis, quos primo transgressu necati inedia, vino exili vel panis frustis mutavere vilissimis; Zos. v. 42.

54. RADAGAISUS: *CTh* VII. xiii. 17, 406, provinciales pro imminentibus necessitatibus omnes invitamus edicto, quos erigit ad militiam innata libertas. ingenui igitur, qui militiae obtentu arma capiunt amore pacis et patriae, sciant se denos solidos patris rebus de nostro percepturos aerario, quibus tamen ternos ex summa supra dicta iam nunc solidos praeberi mandavimus, nam optimos futuros confidimus, quos virtus et utilitas publica necessitatibus obtulit. The law forbidding civilians to bear arms was the Lex Iulia de vi publica (*Dig.* XLVIII. vi. 1); the rule is mentioned as still operative in Synesius, *Ep.* 107-8, and in Priscus, 8 (p. 86), and was reinforced by Just. *Nov.* lxxxv, 539. GAISERIC: Val. III, *Nov.* ix, 440; singulos universosque hoc admonemus edicto, ut Romani roboris confidentia et animo, quo debent propria defensari, cum suis adversus hostes, si usus exegerit, salva disciplina publica servataque ingenuitatis modestia, quibus potuerint utantur armis nostrasque provincias ac fortunas proprias fideli conspiratione et iuncto umbone tueantur: hac videlicet spe laboris proposita, ut suum fore non ambigat quidquid hosti victor abstulerit; it is under the title 'de reddito iure armorum'.

55. See pp. 982-5.

56. Salvian, *Gub. Dei*, VI. 68, eversis Sardinia et Sicilia, id est fiscalibus horreis, atque abscissis velut vitalibus venis, Africam ipsam, id est quasi animam captivare rei publicae, VII. 60, tam divitem quondam (before the Vandal invasion) Africam fuisse ut mihi copia negotiationis suae non suos tantum sed etiam mundi thesauros videatur implese, VII. 8, nemini dubium est Aquitanos ac Novempopulanos medullam fere omnium Galliarum et uber totius fecunditatis habuisse. TRANSPORT OF ANNONA FROM AQUITANIA: Amm. XIV. x. 2, XVII. viii. 1. For the revenues of Egypt and Africa see pp. 462-3.

57. I cannot claim to have made an exhaustive search, but I have spotted only four reused antique columns in northern France (in the apse of Senlis cathedral) and none in this country.

58. For senatorial incomes see pp. 554 ff., and for peasant proprietors pp. 778-81.

59. See pp. 177, 180, 205-7.

## APPENDIX I

### THE *LARGITIONES* AND THE *RES PRIVATA*

In general the addresses of the laws in the Codes agree with the demarcation of duties between the *largitiones* and the *res privata* which I have presented. There are however a few laws addressed to the *comes sacrarum largitionum* which concern the *res privata*. Various explanations are possible. (a) There may be a confusion in the manuscripts between *CSL* and *CRP*: this is almost demonstrable in (v) and (vi) below. (b) We know that the *CSL* sometimes deputised for the *CRP* (*Th.* II, *Nov.* xvii. 1, 439, *suggestionem viri inlustris comitis sacrarum largitionum Marcellini, vicem agentis viri inlustris c.r.p.*): a law on the *res privata* might therefore be addressed to the *CSL* when the office of *CRP* was temporarily vacant. (c) Many laws were given a wide circulation (see Seeck, *Regesten*, 4 ff.) being addressed not only to the minister primarily responsible, but to others for information; the redactors of the Codes have sometimes preserved a copy addressed to a minister only indirectly interested, and moreover omitted the clause of the law which did affect him; see (iii) and (iv) below. (d) There remain some cases when the government altered the normal arrangements, assigning functions or revenues which normally belonged to the one department to the other. For instance in *Th.* II, *Nov.* xvii. 2, 444, *caduca*, which usually went to the *res privata*, were divided between the *arca* of the prefects, the *largitiones* and the *res privata*. This experiment was evidently soon abandoned; the clause is omitted from the Justinianic version of the law (*CJ* x. xii. 2). In most cases such variations from the norm seem to have been short-lived.

The following laws dealing with the *res privata* are addressed to the *CSL*:

- (i) *CTh* IX. xlii. 5, ad Felicem com. s.l., pp. Rom(ae) vii id. Mart. Mamertino et Nevitta cons. (9 March 362). Felix was certainly *CSL* on 23 March 362 (*CTh* XI. xxxix. 5) and early in 363 (*Amm.* xxiii. i. 5). He may have been *CRP* or *CSL* acting *CRP* on 9 March.
- (ii) *CTh* x. ii. 1, com. largit., dat. vii kal. Octob. Valente vi et Valentiniano ii AA. cons. (25 Sept. 378). The address is obviously defective.
- (iii) *CTh* xv. i. 32, Imp. Arcad(ius) et Honor(ius) AA. Eusebio com. s.l. ne splendidissimae urbes vel oppida vetustate labantur, de rebus fundorum iuris rei publicae tertiam partem reparationi publicorum moenium et thermarum subustioni deputamus. dat. xi kal. Iul. Med(iolano) Olybrio et Probino cons.
- (iv) *CTh* v. xiv. 35, Imp. Arcad(ius) et Honor(ius) AA. Hadriano c.s.l. restaurationi moenium publicorum tertiam portionem eius canonis, qui ex locis fundisque rei publicae annua praestatione confertur, certum est satis posse sufficere. de vectigalibus itaque publicis, quae semper ex integro nostri aerarii conferebant expensas, nihil omnino decerpi nomine civitatum permittimus. dat. viii id. Aug. Olybrio et Probino cons.

Law (iv) is probably addressed to the *CSL* because of the last sentence about the *vectigalia publica* (which is omitted in the Justinianic version, *CJ* XI. lxx. 3). I suspect that law (iii) originally contained a similar clause, omitted by the redactors of the Theodosian Code as irrelevant.

- (v) *CJ* XI. lxxi. 4, Minervio comiti sacrarum largitionum (no date). Minervius is otherwise attested only as *CRP* (*CTh* VII. xiii. 14, 12 Nov. 397, I. xi. 1, 23 Dec. 397, *CJ* x. xvi. 10, 398). The title is probably an error.
- (vi) *CTh* I. xi. 2 + XI. xix. 4, Firmino com. s.l., dat. viiii k. Iun. Med(iolano) Honorio A. iv et Eutychiano consul. (24 May 398). *CTh* x. ii. 2, Firmino com. sac. larg., dat. kal. Novemb. Med(iolano) Honorio A. iii et Eutychiano

conss. (1 Nov. 398). Firminus is attested as *CRP* in *CTh* x. x. 22, 27 Oct. 398 and xii. vi. 25, 18 March 399. The title is very probably an error, for *CRP* was a junior post to *CSL*, and no one is known to have held the offices in the order *CSL*, *CRP*.

(vii) *CTh* ix. xlii. 19, Ursicino com. s.l., dat. xii kal. Mai. Rav(ennae) Stilichone ii et Anthemio conss. (20 April 405). Ursicinus is otherwise unknown and the title may be wrong.

(viii) *CJ* xi. lxii. 11, Probo comiti sacrarum largitionum, d. id. April. Ravennae Honorio viii et Theodosio v AA. conss. (13 April 412). Probus is recorded as *CSL* on 29 Feb. 412 (*CTh* viii. iv. 24) and on 10 Jan. 414 (*CTh* vii. viii. 11 = *CJ* viii. xvi. 8). He was probably *agens vices CRP*.

(ix) I have left to the last the most difficult case, that of Germanianus who as *CSL* received one law (no. 5) on the *largitiones* and five (nos. 1-4, 6) on the *res privata*, viz.:

(1) *CTh* v. xv. 19, dat. v. k. Aug. Valentiniano et Valente AA. conss. (28 July, 365).

(2) *CJ* xi. lxii. 3, dat. viii k. Oct. Mediolani Valentiniano et Valente AA. conss. (24 Sept. 365).

(3) *CTh* vii. vii. 1, dat. v. k. Feb. Rem(is) <p.c.> Valentiniani et Valenti AA. (28 Jan. 366, see Seeck, *Reg.* 71).

(4) *CTh* v. xv. 20 + *CJ* i. lvi. 2, dat. xiv k. Iun. Remis Gratiano n.p. et Dagalaifo conss. (19 May, 366).

(5) *CTh* x. xix. 4 + xii. vi. 13, dat. vi id. Ian. Rem(is) Lupicino et Ioviano conss. (8 Jan. 367).

(6) *CJ* xi. lxiii. 2, pp. xiii k. Mai. Lupicino et Iovino conss. (19 April, 367). Germanianus was preceded as *CSL* by Florentius who is attested in three laws, viz.:

(a) *CTh* xiii. i. 6, dat. vi. id. Sept. Divo Ioviano et Varroniano conss. (8 Sept. 364).

(b) *CTh* xi. xii. 3, dat. x. kal. Mart. Med(iolano) Valentiniano et Valente AA. conss. (20 Feb. 365).

(c) *CTh* xii. vi. 11, dat. xv kal. Oct. Mantebri Gratiano n.p. et Dagalaifo conss. (17 Sept. 366).

The date of (c) must be wrong, since it makes Florentius overlap Germanianus. Seeck's solution was to make the consulate a *propositum* and date the law 17 Sept. 365; he also dated (1) and (2) to the second consulate of Valentinian and Valens (368). It would be simpler to make (c) a postconsulate, and make the date 17 Sept. 367, so that Florentius would be reappointed *CSL* after Germanianus. During the same period Florianus is attested *CRP* on 12 Sept. 364 (*CTh* viii. v. 20) and 25 May 365 (*CTh* xi. vii. 11) and then not until 13 Oct. 367 (*CJ* vi. iv. 2), 26 Feb. 368 (*CTh* v. xv. 18), 12 March, 368 (*CJ* xi. lxii. 4) and 29 March, 369 (*CTh* x. ix. 1). It is a tenable hypothesis that Florentius and Florianus were *CSL* and *CRP* respectively from 364 to the summer of 365, that Germanianus then took over both departments, but that after two years this experiment was abandoned, and Florentius and Florianus reappointed *CSL* and *CRP*. The first of Germanianus's laws suggests that the *largitiones* and *res privata* were temporarily amalgamated; *CTh* v. xv. 19, *fundi enfyteutici patrimonialisque iuris in antiquum ius praestationemque redeant, ne quoquo modo exempti ab enfyteutico patrimonialique titulo veluti privato iure teneantur, rectoribus provinciarum et rationalibus monendis, ut sciant contra commoda largitionum nostrarum specialia non admittenda esse rescripta, his tantummodo exceptis, quos in re privata nostra secundam legem datam iam dudum in hoc nomine manere praecepimus.*

## APPENDIX II

### THE NOTITIA DIGNITATUM

The Notitia Dignitatum presents a number of unsolved and perhaps insoluble problems, but any historian of the later Roman empire must make the utmost possible use of so valuable a document, and in order to do so must take up a provisional position on the questions of its composition.

It is fairly generally agreed that the Notitia is an official document, in fact the 'notitia omnium dignitatum et administrationum tam civilium quam militarium' held by the *primicerius notariorum* (Or. xviii, Occ. xvi). Our copy was drawn up after 395 since it shows the empire divided as it was divided from that date and is the document held by the Western *primicerius*. The evidence for the last statement is as follows. First, our manuscript was preserved in the West. Secondly some chapters of the Eastern section are in summary form, omitting details which would not have interested the Western *primicerius*; there are no lists of *rationales*, *thesauri*, *bastagae*, mints and factories in the chapter of the *comes sacrarum largitionum* (Or. xiii), nor of *rationales* and *procuratores* in that of the *comes rei privatae* (Or. xiv). Thirdly, as we shall see, the Western section has been revised to a later date than the Eastern.

A document of this type is very difficult to maintain accurately. When an addition, deletion or alteration is made in one chapter, the consequential changes elsewhere may be neglected: old items from a much earlier date may thus be preserved in a document which is substantially later. There probably never was a time when the Notitia was completely up to date in all sections and contained no inconsistencies. On the other hand a few casual corrections may later be made in a document which is substantially earlier. In these circumstances it is difficult to fix any date for the document as a whole, or for either of its halves. The evidence, however, suggests that the Eastern section was revised fairly thoroughly at a date not long after 395, and thereafter left virtually untouched.

In the first place some of the sections on Illyricum, just taken over in 395, show signs of haste: in the Index (Or. i) the *duces*, *consulares* and *praesides* are not listed under the dioceses of Dacia and Macedonia but lumped together under Illyricum, and so too are the *fabricae* in Or. xi, and the *comites commerciorum* in Or. xiii. Secondly, the *correctores* of Augustamnica and Paphlagonia are not put in their proper place in the Index between *consulares* and *praesides*, but at the end. The title *corrector* of Augustamnica is first recorded in 393 (CTh i. vii. 2) and that of Paphlagonia in 395 (ibid. ii. viii. 22). This alteration has led to certain errors. In the Index Augustamnica and Paphlagonia have been correctly deleted in the list of *praesides*, but they have also been deleted by excess of zeal from the list of provinces under the disposition of the praetorian prefect of the East (Or. ii). Thirdly, only one of the *magistri praesentales* and the *magister per Orientem* have an *officium cardinale*, consisting that is of regular civil servants (Or. vi, vii). The other three *magistri* have *officia* formed from soldiers seconded from their regiments (Or. v, viii, ix). This latter arrangement was clearly a temporary makeshift and implies that the commands concerned had only recently been established. It would appear that Theodosius when he marched against Eugenius left behind only the *magister per Orientem* and one *praesentalis*, and that when the Eastern armies returned in 395, Arcadius had to improvise staffs for the second *praesentalis* and the *magistri* of Thrace and Illyricum.

Fourthly, in the lists of military units there are no regiments which can be

proved to have been raised after 395, and there are signs that some regiments raised shortly before that date were recent additions to the lists. Before arguing these points it is necessary to state certain general rules about the composition of the lists. In the lists of the *comitatus* under the disposition of the several *magistri militum*, the units are arranged in their classes (*vexillationes palatinae* and *comitatenses*, *legiones palatinae*, *auxilia palatina*, *legiones comitatenses*, *pseudocomitatenses*) and within each class by seniority, that is according to the date at which they were promoted to that class. Thus an old *vexillatio comitatensis*, promoted to be *palatina*, came lower on the list than a *vexillatio palatina* junior to it in the date of its formation, but senior as *palatina*. The same applied to *vexillationes* promoted from the *limitanei* into the *comitatus*, and to *legiones palatinae*, *comitatenses* and *pseudocomitatenses* and to infantry units promoted from the *limitanei*. These rules of seniority might, it seems, be varied as a penal measure, a unit losing so many places in seniority as a disgrace: at any rate there are some anomalies which it is very difficult to explain otherwise.

The only units which we can hope to date are those named after emperors or members of the imperial family. It is generally assumed that regiments were named only after reigning Augusti, or at least Caesars, but there is good reason to doubt this assumption. Libanius (*Or.* xix. 62) makes a clear allusion to the province of Honorias in a speech composed in 387, when he urges Theodosius not to take away from Antioch what he had given to a minor Paphlagonian city, that is the status of metropolis of a province. Honorius was born 9 Sept. 384, but did not become Augustus until 23 Jan. 393. If a new province could be named after a boy prince, surely so could a new regiment.

Under the tetrarchy the emperors frequently named units after their colleagues, and the practice continued down to the death of Valens, who called several units after his brother Valentinian and his nephew Gratian (*Or.* viii. 20–2, Augustenses, Valentinianenses, Gratianenses, a group it would seem named after Valens himself, as Augustus of the East, and his Western colleagues; *Or.* xxxi. 36, 39, Legio I and II Valentiniana in the Thebaid; *Or.* xxxvii. 30, Ala II Felix Valentiniana in Arabia; *Or.* xxxiv. 42, Ala II Gratiana in Palestine). No units named after Valens are recorded in the West, but so few Western regiments of this date survive at all that this is not significant. But from the accession of Theodosius I the practice seems to have ceased. No Theodosian (or Arcadian) units occur in the West, and in the East there are no units named after Valentinian II, and none named after Gratian except the Ala II Gratiana and the Gratianenses, probably created by Valens. This being so it is probable that the few Honoriani of the East were created by Theodosius I and named after his younger son.

One further point may be noted. The Notitia contains no unit named after a 'tyrant'. Usurpers certainly raised and named regiments, and these regiments were sometimes taken over by the legitimate emperors who succeeded them; an example are the Magnentiaci and Decentiaci employed by Constantius II in the East (*Amm.* xviii. ix. 3). These particular units were annihilated at Amida, but those that survived may well have been renamed by the legitimate emperors after themselves.

With these principles in mind we may look at the units named after Theodosius, Arcadius, and Honorius in the *comitatus* of the East (see Table I). It is fairly certain that the Felices Theodosiani, Felices Arcadiani Seniores and Juniores and Felices Honoriani Seniores and Juniores are a group raised simultaneously; their order indicates that they were raised by Theodosius I,

and they might date anywhere between Honorius' birth (384) and Theodosius I's death (395). I to IV Theodosiani must be junior to them, but may well have been raised by Theodosius I. Similarly the Equites Theodosiani Seniores and Juniores must be junior to the Comites Arcadiani and Honoriani, but the second pair must have been raised before 395, and all four may be creations of Theodosius I. There is in fact no unit that must have been raised after Theodosius I's death.

Among the *limitanei* the units are not put in order of seniority, but newly raised units were sometimes so labelled ('nuper constituta') and were often entered provisionally out of place: thus new *alae* may be placed after the *equites* and *legiones* above the rubric 'et quae de minore laterculo emittuntur', or right at the end, after the *cohortes* (see Table II). Among such recent additions, there are in Egypt the Ala Theodosiana and the Ala Arcadiana, both labelled 'nuper constituta' and entered in the wrong place. To judge by the order of the names these two units must have been raised by Theodosius I. The Equites Felices Honoriani of the Thebaid, which must have been raised before 395, are also out of place, and so are the Ala Theodosiana and the Ala Felix Theodosiana of Armenia.

The army lists of the *limitanei* then suggest a date shortly after 395, and those of the *comitatus* are compatible with the same date. It would also be possible to date the latter to the reign of Theodosius II, assigning to him such units as I-IV Theodosiani, and Equites Theodosiani I and II, but this seems less likely. Theodosius I had strong reasons for raising new regiments, first to fill the gaps caused by the battle of Adrianople and the heavy fighting with the Goths which followed, and later for his campaign against Maximus and Eugenius. The earlier part of Theodosius II's reign was peaceful.

Two reasons have been suggested for dating the Eastern part of the Notitia substantially later than 395, the fact that the *praepositus sacri cubiculi* ranks immediately after the prefects and *magistri militum*, a position which, it is alleged, he only attained by *CTh* vi. viii. 1 in 422, and the entry 'tabularium dominarum Augustarum' in the chapter of the *castrensis* (*Or.* xvii. 8): there were two Augustae simultaneously only from 423. Neither argument is probant. *CTh* vi. viii. 1 gives *ex praepositis sacri cubiculi* equal rank with *ex praefectis* and *ex magistris militum*, that is, places them in the upper bracket of the *illustres*. The order in the Notitia need indicate no more than that the *praepositus* heads the second bracket, and there is no proof that he did not rank as high as this earlier than 422. *CTh* xi. xxviii. 9 (414), where he is mentioned in the distribution list of a law granting remission of arrears after the *comes sacrarum largitionum*, is not evidence; for this law was of primary interest to the *comes*, but of marginal import to the *praepositus*, whom it affected only 'de titulis ad domum sacram pertinentibus'. *CTh* vii. viii. 3 (384), which grants immunity from billeting to *ex praefectis*, *ex magistris militum*, *ex comitibus consistorianis* and *ex praepositis sacri cubiculi* in that order, probably gives the order of precedence prevailing in 384, but the *praepositus* may have risen in rank in the following decade. Eutropius, who probably already held the office in the last years of Theodosius I's reign, may well have secured its promotion.

The second argument is also invalid. In the early fifth century an Augusta had her own *cubiculum* with its appropriate officers. In 401 we meet with Amantius, *castrensis* of Eudoxia, Augusta from 400 to 404 (*V. Porph.* 37), and in the early 430s with Chryseros and Paulus simultaneously *praepositi sacri cubiculi*, the latter apparently of Pulcheria, Augusta from 414 (*A.C. Oec.* i. iv. 224). A decade later there is the quarrel between the two Augustae, Pulcheria and Eudocia, who was given the title in 423, and now claimed that she should



have her own *praepositus* or take over Pulcheria's (Theophanes, A.M. 5940; the date is probably wrong). If the Notitia Orientis had been drawn up after 414 (or between 400 and 404), it would then show a *praepositus, castrensis* (and presumably *primicerius*) of the Augusta in addition to those of the Augustus.

It remains to account for the entry 'tabularium dominarum Augustarum'. I would conjecture that it was the strongminded and independent Eudoxia who first introduced the separate *cubiculum Augustae*, and that in the fourth century an Augusta had only her separate *tabularius*, and that this arrangement continued to be the rule in the West. The item 'tabularium dominae Augustae' would have been added to the Western notitia in 421, when Placidia became Augusta, and a corresponding item, 'tabularium dominarum Augustarum' may have been inserted then in the Notitia Orientis by the Western *primicerius*, who was aware that there were two Augustae in the East, but ignorant of—or not interested in—the organisation of the Eastern *cubiculum*. It is also possible that he may have found an item, 'tabularium dominae Augustae', retained by inadvertence in the Notitia Orientis, and mechanically corrected it when a second Augusta was created in the East. It is at any rate clear that this entry is a blunder.

A firm *terminus ad quem* is provided by *CTh* vi. xiii. 1 (413), which alludes to 'eos qui comites Aegypti vel Ponticae dioeceseos fuerint, quorum par dignitas est'. The second of these offices is not recorded in the Notitia, which must therefore be earlier than 413. Another but less conclusive piece of evidence points the same way. The Index records a *praeses* of Macedonia Salutaris (*Or.* i. 125), but in the chapter of the praetorian prefect of Illyricum (*Or.* iii. 13 and 19) we read 'Epirus Nova et pars Macedoniae Salutaris' under the Macedonian diocese and 'Praevalitana et pars Macedoniae Salutaris' under the Dacian. Evidently the province had recently been suppressed when the Notitia was drawn up. Macedonia Salutaris was probably created about 386 and had been suppressed before 412 (F. Papazoglu, *Bull. Ac. Roy. Belg.* 5<sup>e</sup> ser. XLII (1956), 115).

There are various minor anomalies in the Eastern section (listed by Bury in *JRS* x (1920), 133–4). Most of them merely go to prove that the chancery of the later Roman Empire was not very meticulous in preserving perfect consistency; provinces are placed in different orders in different lists, and even the order of some *duces* is not the same in the Index and in the sequence of chapters. Some anomalies are more significant. The last line of the chapter of the *comes per Isauriam* runs 'dux Isauriae VI' (*Or.* xxix. 18). We know of a *comes* of Isauria as early as 353 and 359 (*Amm.* xiv. ii. 14, xix. xiii. 2, *ILS* 740), but the title was doubtless in these cases personal. A *dux Isauriae* appears in 382 (*CJ* ix. xxvii. 1; the title is corrupt in the version of the law in *CTh* ix. xxvii. 3): we do not know, however, when the *dux Isauriae* was definitely upgraded to a *comes*.

In both the Eastern and Western sections there is the same anomaly, that the *primicerius notariorum* ranks before the *castrensis* in the Index but after him in the order of chapters. Evidently the precedence of these two offices had been changed at one time, but we do not know when. In both sections also the *magister officiorum* ranks before the quaestor, contrary to the rule prevailing earlier, as shown by *CTh* vi. ix. 1 (372), 2 (380), and later, as shown by the order of the titles i. viii and ix in the Code (published in 438). Here again we do not know when and for how long the *magister officiorum* achieved his temporary precedence over the quaestor, but it may be reasonably conjectured that Rufinus, who was consul in 392 while he held the office and appears to have enlarged its powers, may have secured higher precedence for it.

To sum up, the Eastern part of the Notitia must be earlier than 413, when the office of *comes Ponticae* was already established, and need not be later than 395. Plausible dates for its transmission to the West would be either 395 or 408, when diplomatic relations were resumed after Stilicho's fall. The document was no doubt revised for the occasion, but not very thoroughly, and still contained many anomalies.

Prima facie one would expect that the Western section would have been revised for transmission to the East at the same time that the Eastern section was revised for transmission to the West. It has been claimed that it must be considerably earlier because it does not list the mint of Milan, which was important from 383 (Salisbury, *JRS* xvii (1927), 102 ff.): but this argument has been refuted (Kent in *Essays in Roman Coinage presented to Harold Mattingly*, 201). Its original date is all the more difficult to determine because it was corrected during the reign of Honorius. There is in the chapter of the *comes rei privatae* a *comes Gildoniaci patrimonii* (*Occ.* xii. 5; Gildo's rebellion was crushed in 398) and in the chapter of the *comes Africae* the *princeps* and *numerarii* of the *officium* are, in accordance with *CTh* i. vii. 3 (398), supplied from the *officium* of the *magisteria potestas* (*Occ.* xxv. 38, 41-2). The *tabularius dominae Augustae* (*Occ.* xv. 9) must have been inserted in 421 when Placidia was proclaimed Augusta.

There are, as in the Eastern section, various minor inconsistencies of no great moment (see Bury, *JRS* x (1920), 136-7). More significant is the omission of the chapter of the *vicarius Italiae*, who still appears in the Index; but we do not know when the office was suppressed. There is also a curious clerical error. The province of Valeria (in Illyricum) is missing from the Index and the chapter of the praetorian prefect of Italy, and this despite the fact that the *dux Valeriae* is protecting the province with a large army (*Occ.* xxxiii. cf. i. 42, v. 137). On the other hand the Italian Valeria, which is last recorded in 399 (*CTh* ix. xxx. 5) and is never mentioned again (it is omitted in *CTh* xi. xxviii. 7 of 413, and in Polemius Silvius), is recorded in the Index (*Occ.* i. 95) and under the praetorian prefect of Italy (*Occ.* ii. 25) and under the vicar of the city (*Occ.* xix. 14). It is fairly clear that a clerk ordered to delete Valeria deleted the wrong province. On this clerical error have been based great theories on the occupation of the Illyrican Valeria by the Huns.

In the chapters on the *magister peditum* and *magister equitum* (*Occ.* v, vi) and the *distributio numerorum* (*Occ.* vii) there are many indications of revision. But before discussing these it is necessary to consider the mutual relation of the lists of units given under the *magistri* and those given in the *distributio*, and in particular to discover whether they are contemporary or not. The lists do not tally as they should, some units appearing under the *magistri* but not in the *distributio*, and many in the *distributio* but not under the *magistri*. A few discrepancies can be explained by textual errors. Thus Seeck has restored the *Attecotti Iuniores Gallicani* (vii. 78) at v. 218 on the basis of the shield of that unit at v. 70, and to make up the stated number of *auxilia palatina*, and also the *Equites Bracchiati Iuniores* (vii. 170) at vi. 46 to make up the ten *vexillationes palatinae*. These are fairly certain emendations, and others could be suggested, but there remain a very large number of discrepancies which must have been in the original text. They are shown in Table III.

In some cases the *distributio* appears to list twice a unit only given once under the *magistri*. These duplications may be the result of clerical errors arising from the transfer of units from one army group to another, the unit being marked up in its new station but not deleted in its old place; these I have listed separately. But there are a large number of units in the *distributio* of

which there is no trace in the chapters of the *magistri*. They include, as we shall see, one very late formation and many regiments which appear to be *pseudocomitatenses*, drafted into the *comitatus* at a late date. The lists of the *magistri* contain few units not in the *distributio*. In some cases their omission in the latter may be due to textual errors (which it is impossible to check as there are no total numbers given in that chapter, and no shields). In others it may be due to clerical errors, a unit having on transfer to another army group been deleted in its original place and not entered in its new (this again is impossible to check). Or again the unit may really have ceased to exist, and been struck off his list by the local commander and in the *distributio*, but not deleted in the lists of the *magistri*.

So far it would seem that the *distributio* is more up to date than the chapters of the *magistri*. But there are discrepancies in the order of the units which suggest the reverse conclusion. In general the lists in the *distributio* observe the same order of precedence as those of the *magistri*. There are many minor discrepancies, which it would be a waste of labour to catalogue, since they are inexplicable and are no doubt due to simple clerical errors. But there are some which are significant.

The list of *legiones palatinae* shows first six units (v. 145-150), which are also the first six units in Italy (vii. 3-8), and then:

v. 151 (vii. 142)	Armigeri Propugnatores Seniores	2nd in Africa (after 1 <i>aux. pal.</i> )
v. 152 (vii. 82)	Lanciarri Sabarienses	19th in Gaul (after 16 <i>aux. pal.</i> and 2 <i>leg. com.</i> )
v. 153 (vii. 28)	Octavani	} 26-7th in Italy (after 25 <i>aux. pal.</i> )
v. 154 (vii. 29)	Thebaei	
v. 155 (vii. 145)	Cimbriani	
		5th in Africa (after 1 <i>aux. pal.</i> , nos. 151 and 156 and 1 <i>leg. com.</i> )
v. 156 (vii. 143)	Armigeri Propugnatores Iuniores	3rd in Africa (after 1 <i>aux. pal.</i> , and no. 151)

It is clear that these legions were originally *comitatenses* and are listed in their place as such in the *distributio*, but have later been promoted to be *palatinae* and are so listed, in order of promotion, under the *magister peditum*. Another instance of the same phenomenon is afforded by the three legions I, II, III Iulia Alpina. In the *distributio* I and III are listed in that order below the *legiones comitatenses* in Italy and II among the *pseudocomitatenses* in Illyricum. In the *magister's* list III appears among the *comitatenses*, I and II among the *pseudocomitatenses*. Evidently all three legions are reckoned as *pseudocomitatenses* in the *distributio*, but III was later promoted to *comitatus* and is so recorded in the *magister's* list. In this respect then the lists of the *magistri* are more up to date than the *distributio*.

The best explanation of this apparent contradiction is that the two lists are contemporary, but, being kept for different purposes and based on different returns, tended to be out of date in different ways. The lists of the *magistri* were primarily intended to record the precedence of units in the whole army, which was presumably determined by the *magistri*. The *distributio* showed the actual strength of the several army groups and was presumably based on returns from their commanders. For this purpose precedence did not matter greatly, and although the original lists seem to have been drawn up in the correct order little trouble was taken to make alterations consequent on the upgrading of units. Nor were accessions always entered in their proper place.

Another feature of the *distributio* is that high ranking units often appear at the tail of the regional armies. The Gratianenses Iuniores and the Honoriani Marcomanni, the 32nd and 41-2nd *auxilia palatina* (v. 189, 198-9), are listed second and third from bottom in the Italian army below *legiones comitatenses* and *pseudocomitatenses*, and the Valentinianenses, the 33rd *auxilium palatinum*, appear in an appropriate position in Gaul, but among the *pseudocomitatenses* second from last in Illyricum. In these cases it would seem that a unit transferred from another army group has been entered at the end of its new group without regard to precedence.

In the *distributio*, as far as numbers went, the lists were kept more or less up to date. In the lists of the *magistri* on the other hand upgradings were sedulously recorded, but the addition of new units was often neglected, and, it may be suspected, units which had been destroyed were not always deleted.

The lists are then probably contemporary, but the *distributio* gives a more complete and accurate picture of the army at the date to which both lists were revised. Clues to this date are afforded by three (perhaps four) units. The last *vexillatio comitatensis* on the list of the *magister equitum* before the African units, which is also the last cavalry unit in Gaul, is the Equites Constantiani Felices or Constantiaci Feroces (vi. 62 = vii. 178). It figures after Honorian units and must have been named after Constantius III, who was Augustus 8 Feb. to 2 Sept., 421. The last *vexillatio palatina* in the *magister's* list, which is also the last cavalry unit in Italy, is the Equites Constantes Valentinianenses Seniores (vi. 52) or Iuniores (vii. 165). It is a late addition to the latter list, coming after a *vexillatio comitatensis*. It may have been raised by Valentinian III in or after 425, but its name rather suggests an allusion to Constantius III and his son, born 2 July, 419. Second from last in the Italian infantry (vii. 36), but not yet entered in the list of the *magister peditum*, are the Placidi Valentinianici Felices, probably an *auxilium palatinum*, clearly named after Valentinian III in 420 or later.

The fourth unit which may be of late date is the Felices Valentinianenses (v. 203 = vii. 47), an *auxilium* which comes below eight Honoriani, but is senior to fourteen *auxilia*, including three Honoriani, the last of which is twelve places below it. If the Felices Valentinianenses were named after Valentinian III, they could not have been raised before 420, and Honorius died in 423; he would therefore have raised at least twelve new *auxilia* in three years. This is possible, but seems unlikely. An alternative explanation of the Felices Valentinianenses is that they were raised by Valentinian II, and were later degraded some twenty places. In the army of Illyricum the regiment is placed above the Mauri Honoriani Seniores, one of the units which precedes it in the list of the *magister peditum*. It is possible that the *distributio* has here preserved the original seniority of the units, but not much can be built on this argument, as the order in this part of the Illyrican army list is very irregular. Another possible instance of the degradation of a unit is the Equites Stablesiani Italiciani, who are first among the cavalry units of Africa (vii. 182), but last of the same group in the list of the *magister equitum* (vi. 82), thus losing twenty places. The Equites Caetrati of the same army have also gone down five places (vii. 187, vi. 74).

The military lists have then been revised after a fashion down to 420, perhaps to the end of Honorius' reign. The date is unlikely to be much later, since the units named after Valentinian III are so few.

There are notable discrepancies about the *comites rei militaris* between the *distributio* on the one hand and the Index, the chapter of the *magister peditum* and the chapters of the several *comites* on the other (see Table IV). The former

records a *magister equitum Galliarum* and *comites* of Illyricum, Spain, Tingitania, Africa and Britain. The last three of these appear in other appropriate places, but the *magister equitum Galliarum* though listed in the Index has no chapter, and his *officium* is inserted in the *distributio*. The *comites* of Illyricum and Spain appear nowhere else; on the other hand there are chapters for three other *comites*, of the Saxon Shore, of Italy and of Argentoratum, and they appear in the Index and the chapter of the *magister peditum*.

If I am right in believing that the *distributio* is a working army list of about 420, all the offices mentioned in it must have then existed. The *comites* of Spain and Illyricum, I would suggest, are not recorded elsewhere because they were recent creations, perhaps regarded as provisional. In fact we first hear of a *comes Hispaniarum* in 420 (Hydatius, 74, *Chron. Min.* II. 20). It is more surprising that the *comes Illyrici* should be a recent creation, for we hear of Valens as commander of the military units in Dalmatia in 409 (Zos. v. 45), and his successor Generid was given a command which covered Dalmatia, Pannonia Superior, Noricum and Raetia (Zos. v. 46). We can only suppose that this command was abolished, to be revived c. 420. There had also been a *magister equitum per Gallias* down to 408, when Chariobaudes, who then held the post, was killed in the mutiny which preceded Stilicho's fall (Zos. v. 32). He had, however, withdrawn to Italy after Constantine's rebellion, and it may be that his post was now abolished. Constantius reconquered Gaul as *magister praesentalis* in 411, and we do not hear of a *magister equitum* of Gaul until after Valentinian III's accession. It would seem however that the post was restored c. 420.

The *comitivae Africae* and *Tingitaniae* were old established posts. So also was the *comitiva litoris Saxonici*, which does not appear in the *distributio* because it commanded no *comitatenses*. There had been a *comes Britanniarum*, Gratian, in the early fourth century, but the post was not permanently established (there was no *comes Britanniarum*, but only a *dux* and *comes litoris Saxonici* in 368; see Amm. xxvii. viii. 1). It must presumably have been re-established on a regular footing after Constantius' reconquest of Gaul from the tyrants.

The *comites Italiae* and *Argentoratensis*, who have no troops under their command and no *officia*, but only chapter headings and places in the Index and in the list of *comites rei militaris* subject to the *magister peditum*, must be vestigial relics of posts which had existed but had been suspended. The *comes Italiae*, whose zone was the 'tractus Italiae circa Alpes', would seem to date from a period when there was no *comes Illyrici* holding Raetia and Noricum, and thus guarding the northern approaches to Italy. The *comes Argentoratensis* would seem to belong to a time when the emperor's dominions in Gaul were reduced to little more than the province of Sequanica, and his furthest outpost was Argentoratum. The posts might have been established not long after Stilicho's death, and retained until the re-establishment of a *comes Illyrici* and a *magister Galliarum* made them superfluous.

There are also inconsistencies in the lists of *duces*. The Index states that there were twelve and names them. The chapters supply only eleven; Seeck restored a chapter for the missing *dux Germaniae I*, but his argument is very dubious. The chapter of the *magister peditum* states that there were ten *duces*, omitting those of Sequanica and the Tractus Armoricanus. This suggests that these two ducates were recent creations, which the clerks had omitted to insert in one chapter. The order of the *duces* in all these lists is very similar and down to Britain appears to be geographical (in the Index Pannonia I has been put in front of Pannonia II for the sake of neatness). The last entry, the *dux Moguntiacensis*, violates the geographical order, and again looks like a later

addition. It is almost impossible that a *dux Germaniae I* and a *dux Moguntiacensis* can have existed simultaneously, and the former had perhaps ceased to exist, remaining only in the Index and Chapter V, and was replaced by the latter.

Something can be learned from the lists of the history of the Eastern *comitatus* in the reign of Theodosius and shortly afterwards, and of that of the Western *comitatus* under Honorius. In the East the Illyrican army looks a rather ill-assorted group hastily got together, including an unusually large number of *pseudocomitatenses*. These comprise, besides three Theodosian units, six named after towns in the interior of Illyricum, Timacenses, Bugaracenses, Scupenses, Ulpianenses, Merenses, Scampenses. They are perhaps old cohorts stationed in rearward areas, like those attached to the *dux Moesia II* in Rhodope and Thrace (*Or.* xl 44-9). The *pseudocomitatenses* of Oriens seem on the other hand to be mostly of earlier origin. Nos. 1 and 2 (I and II Armeniaca) and 6 and 7 (IV Italica and VI Parthica) were probably legions garrisoning the territories surrendered by Jovian to Persia; II Armeniaca is mentioned by Ammianus at Bezabda (xx. vii. 1), and V Parthica (destroyed) at Amida (xviii. ix. 3). No. 3 (Fortenses Auxiliarii) is a detachment from Valeria (*Occ.* xxxiii. 49) and No. 5 (I Italica) from Moesia II (*Or.* xl. 30-32). No. 8 (I Isaura Sagittaria) is the third legion once under the *comes Isauriae*, who still has II and III Isaura (*Or.* xxix. 7, 8). After the Balistarii Theodosiani (No. 9) come the Transtigritani (No. 10), probably raised from the Armenian satrapies annexed by Theodosius I.

In Table V I have analysed the units of the Eastern *comitatus* according to date, placing in the right hand columns regiments certainly Theodosian (or post-Theodosian) and in the left those presumably earlier, though the latter may include a few units raised by Theodosius early in his reign and not given dynastic names. It will be seen that of the army of 395 nearly one-fifth was Theodosian and over four-fifths earlier than his accession. This is unlikely to mean that he increased the army by a quarter. Some units were no doubt added to the *comitatus* to help form the new army of Illyricum in 395 (fairly certainly the 9 units of *pseudocomitatenses*), but the majority of the new units were probably replacements of losses incurred in the battle of Adrianople and later wars. If so approximately one-seventh of the *comitatus* was destroyed in these wars.

When we turn to the Western *comitatus* the situation is very different (see Table VI; I have used the *distributio* for this table, as giving a more complete picture of the army at the end of Honorius' reign than Chapters V and VI, but I have eliminated the seven units which I take to be duplicates; see Table III). By the end of Honorius' reign only 84 units survived of the army of the period prior to 395, that is, if the Western *comitatus* had then been of similar size to the Eastern, about one-third. The losses in the fighting against Alaric and Radagaeus, in the great barbarian invasions of Gaul, and in the wars between Honorius and the tyrants, must have been staggering. No doubt, too, the Western armies had been reduced before 395 by the campaigns in which Maximus and Eugenius were conquered.

The gaps have been filled partly by raising new units, partly by pulling in old units from the frontiers. The record is best among the *auxilia palatina*, which were evidently the crack troops of the West. Forty old *auxilia* existed and twenty new regiments were created; about a dozen of these are proved by their titles to have been barbarians, Attecotti, Marcomanni, Brisigavi, Moors.

Among the new cavalry units there are five regiments named after Honorius, Constantius III and Valentinian III, and one other apparently new formation,

the Mauri Felices. The others are nearly all stationed in Africa (18) and Tingitania (2). They are all junior to the Constantiani Felices, raised in 421. It seems very unlikely that all these regiments were raised *de novo* between 421 and 423, and one is tempted to believe that they are local *limitanei* upgraded during these years. This suspicion is confirmed when one notes that nearly all the units bear titles common among the *equites* of the Eastern frontier armies (Sagittarii, Scutarii, Stablesiani, Promoti), and that one, IV Sagittarii, was already stationed in Africa in 371 (Amm. xxix. v. 20). Two of the four British *vexillationes* also, the Cataphractarii Iuniores and Stablesiani (vii. 200, 203), appear to be upgraded local *limitanei*, being recorded under the *dux Britanniarum* (xl. 21) and the *comes litoris Saxonici* (xxviii. 17).

The six surviving palatine legions have been brought up to twelve by promoting six *legiones comitatenses*. To the remaining sixteen *legiones comitatenses* three new units have been added, two Honoriani (Occ. v. 239, 247) and the Propugnatores Iuniores (Occ. v. 240). For the rest the gaps have been filled by promoted *limitanei*, some of which have been graded as *comitatenses*, others as *pseudocomitatenses*. Many of the units have not been deleted from the frontier lists, and are thus duplicated (see Table VII).

It will be seen that in Gaul the great majority of the units have been transferred from the garrisons of Armorica, Moguntiacum, Belgica, Britain, Raetia and Spain. In Illyricum four units out of six come from Noricum and Pannonia II. In Italy one unit comes from Spain, another from Raetia, and the legions I and III Iulia Alpina must have formed the garrison of an Alpine province, perhaps the mysterious Gallia Riparensis, of which fragments survive in Occ. xlii. 13-17; the third legion of this group has moved on to Illyricum. The six African legions are junior to the Honoriani Felices Gallicani, and yet include III Augusta, which had been in Africa since the reign of Augustus, and five others with Constantinian names; II Flavia Virtutis is recorded in an African inscription probably of fourth century date (ILS 9206), and Ammianus mentions First and Second legions already stationed in Africa in 371 (Amm. xxix. v. 18). These *legiones comitatenses* are clearly the local garrison upgraded. The same applies to the Fortenses of Tripolitania, and the Constantinian legion of Tingitania.

Apart then from the *auxilia palatina*, of which a substantial number of new units were raised, the great gaps in the western *comitatus* were almost entirely filled in Honorius' reign by upgrading *limitanei*: for the most part the reinforcement was a paper change only, the local *limitanei* remaining in their old areas. The losses in cavalry in Europe were largely left unfilled: it is notable that there was no regular cavalry in Spain or Illyricum, where presumably the *comites* had to rely on federates.

It is not possible to deduce much from the Notitia of the earlier history of the *comitatus*. It is evident from the large number of units, including such crack regiments as the palatine legions of the Herculiani and Ioviani, the *auxilia palatina* of the Batavi, Bracchiati and Petulantes, and the *vexillationes* of the Comites, Promoti, Batavi and Bracchiati, which are split between East and West, that the *comitatus* was at some time deliberately halved. This probably did not happen in 395, when Stilicho returned the old Eastern troops to Arcadius (so Claudian, in Ruf. II. 161-2, Eoa remittat agmina, supported by the fact that there are no Theodosiani or Arcadiani in the Western army). The next possible date is 365, when the *comitatus* was divided between Valentinian and Valens (Amm. xxvi. v. 3, militares partiti numeri). Shortly after Ammianus speaks of the 'Divitenses et Tungricani Iuniores' (xxvi. vi. 12), but before that date he never mentions a double regiment except for the 'numeri Moesia-

corum duo' in 360 (xx. i. 3), and they are a rather special case, for the Moesiaci would have been detachments from the two legions of one of the Moesian provinces. On the other hand Ammianus strongly implies that the Heruli and Batavi, and Celtae and Petulantes, which Julian was ordered to surrender in 360, were the only regiments of those names (xx. iv. 2).

For the reasons given elsewhere (vid. sup., pp. 52-3, 97-8 and Table VIII) it seems likely that the three most senior *legiones palatinae*, the Lanciarii, Herculiani and Ioviani, and the two most senior *vexillationes palatinae*, the Comites and Promoti, go back to Diocletian's *comitatus*, and that the most senior *auxilia palatina*, including the Cornuti and Bracchiati and Batavi, with their homonymous *vexillationes palatinae*, which rank immediately below the Comites and Promoti, go back to Constantine's.

To turn to the *limitanei*, the legions are the units which are most readily identifiable and datable. Table IX shows that of the 34 legions of the Severan army 28 survive, and of the 6 absent XX Valeria still existed under Carausius and I Minervia, VIII Augusta and XXX Ulpia survived long enough to contribute detachments to the *comitatus*. To these have been added 7 undoubtedly Diocletianic legions (I Maximiana, III Diocletiana, I and V Iovia, II, III and VI Herculia), to which may be added a missing IV Iovia (to complete the numerical sequence). There are 10 others which are very probably Diocletianic, I Illyricorum, I Ponticorum, I Noricorum, I-III Isaura, I and II Armeniaca, and IV and VI Parthica, to which may be added the lost V Parthica, the three Flavian legions in Gaul, fairly certainly raised by Constantius I as Caesar (perhaps as Augustus), and II Flavia Constantia of the Thebaid, which was probably named after him as senior Caesar, the two Augusti having a legion each already in Egypt. The six legions with Constantinian names in Africa and Tingitania may have been raised by Constantine, but it would be very odd that Maximian, who fought serious wars in Africa, should have left no legions to garrison it, and it may be that these legions were originally his, and were renamed by Alexander and Maxentius, and again by Constantine. So far we have counted 29 legions which belong with some probability to the Tetrarchy. The two Western legions named after Sol and Mars must date from before c. 320, and IV Martia and the Dianenses in the East from before 324. I and II Flavia Gemina cannot be firmly dated; they might be legions of Maximin or Licinius, renamed by Constantine, or legions of Constantine or Constantius II. The four Julian legions are presumably named after Constantine's sons, as Caesars or Augusti. There is no clue to the date of Legio Fortis. The only later additions are I and II Valentiniana and I Felix Valentis in the Thebaid.

As argued elsewhere (vid. sup. pp. 57-9) there is good reason for believing that the armies of the Eastern frontier provinces from the Thebaid to Armenia (with Isauria) and those of Britain and the Saxon shore, Spain and Tingitania remain in the Notitia much as Diocletian left them. Tables X and XI show a common basic structure of *equites* and legions, *alae* and cohorts, with certain local peculiarities, such as the *numeri* of Britain and the Saxon shore, and the remarkably uniform layout of the Eastern provinces from Palestine to Mesopotamia with their Equites Illyriciani and Indigenae: they also show the many Tetrarchic formations and the few later additions. In the Danubian province (Table XII) Raetia conforms to the Diocletianic scheme, but in the rest of the provinces this scheme is progressively overlaid, as one goes downstream, by another, which, as argued elsewhere, is probably Constantinian (vid. sup. p. 99). In the African provinces (Table XIII) there are besides the *equites* and legions (upgraded into the *comitatus*) only the *limites*, whose nature



is discussed elsewhere (vid. sup. pp. 651-3). Finally in Gaul (Table XIV) there survive only scattered fragments, all (with three exceptions) labelled indiscriminately *milites*.

For the numerical calculations on pp. 680-3, Table XV, which can be checked from Tables V, VI, X-XIV, may be helpful.

TABLE I  
THEODOSIAN UNITS IN THE COMITATUS

MAG. MIL. PRAES. I	MAG. MIL. PRAES. II	MAG. MIL. OR.	MAG. MIL. THRAC.	MAG. MIL. ILLYR.
<i>vex. pal.</i> (last) 32. Equ. Arcades	<i>vex. pal.</i> (last) 33. Equ. Theodosiani Sen.		<i>vex. pal.</i> (3 only) 25. Comites Arcadiani 26. Comites Honoriani 27. Equ. Theodosiani Iun.	
			<i>vex. com.</i> (last) 32. Equ. I Theodosiani	
<i>aux. pal.</i> (last 5) 62. Felices Honoriani Iun. 63. Victores 64. I Theodosiani 65. III Theodosiani 66. Felices Theodosiani Isauri	<i>aux. pal.</i> (last 4) 62. Felices Theodosiani 63. Felices Arcadiani Iun. 64. II Theodosiani 67. IV Theodosiani	<i>aux. pal.</i> (2 only) 36. Felices Arcadiani Sen. 37. Felices Honoriani Sen.		
		<i>leg. com.</i> (last) 47. I Flavia Theodosiana		
		<i>pseudocom.</i> (9th of 10) 57. Balistarii Theodosiani		<i>pseudocom.</i> (2nd, 7th, 8th of 9) 41. Felices Theodosiani Iun. 46. II Theodosiani 47. Balistarii Theodosiani Iun.

TABLE II  
THEODOSIAN UNITS IN THE LIMITANEI

EGYPT ( <i>or.</i> xxviii)	
(last three above the rubric)	
20.	Ala Theodosiana nuper constituta
21.	Ala Arcadiana nuper constituta
22.	Ala II Armeniorum, Oasi Minori
THEBAID ( <i>or.</i> xxxi)	
(last two above the rubric)	
40.	Equ. Felices Honoriani, Asfynis
41.	Ala I Abasgorum, Hibeos Oaseos Maioris†
(below the rubric)	
55.	Ala I Abasgorum, Oasi Maiore†
64.	Cohors I Felix Theodosiana, apud Elephantinem
PALESTINE ( <i>or.</i> xxxiv)	
(last <i>ala</i> )	
37.	Ala Idiota constituta*
OSRHOENE ( <i>or.</i> xxxv)	
(last <i>ala</i> , after two cohorts)	
34.	Ala I Salutaria Duodecimo constituta*
MESOPOTAMIA ( <i>or.</i> xxxvi)	
(last Equites Illyriciani)	
22.	Equ. Felices Honoriani Illyriciani, Constantina
ARMENIA ( <i>or.</i> xxxviii)	
(last three above the rubric)	
17.	Ala Rizena, Aladaleariza
18.	Ala Theodosiana, apud Auaxam
19.	Ala Felix Theodosiana, Silvanis
(below the rubric)	
25.	Ala Castello Tablariensi constituta*
26.	Ala I praetoria nuper constituta
32.	Ala I Felix Theodosiana, Pitheae
33.	Cohors I Theodosiana, Valentia
SCYTHIA ( <i>or.</i> xxxix)	
(last cavalry unit)	
18.	Cuneus equ. Arcadum, Talamonio

\* An incomplete correction, 'nuper' having been deleted and the station inserted.

† The first (provisional) entry has not been deleted when the unit was entered in its proper place.

TABLE III

ADDITIONAL UNITS IN DISTRIBUTIO				
vii.	17	Victores Sen.	<i>aux. pal.</i>	Italy
	36	Placidi Valentinianici Felices	" "	"
	73	Britones	" "	Gaul
	155	Primani Iun.	<i>leg. com.</i>	Britain
	62	Catarienses	<i>pseudocom.</i>	Illyricum
	97	Balistarii	" "	Gaul
	98	Defensores Iun.	" "	"
	99	Garronenses	" "	"
	100	Anderetiani	" "	"
	101	Acincenses	" "	"
	104	Cursarienses Iun.	" "	"
	105	Musmagenses	" "	"
	107	Insidiatores	" "	"
	108	Truncensimani	" "	"
	109	Abulci	" "	"
	110	Exploratores	" "	"
	200	Equ. Catafractarii Iun.	<i>vex. com.</i>	Britain
	201	Equ. Scutarii Aureliaci	" "	"
	203	Equ. Stablesiani	" "	"
	204	Equ. Syri	" "	"

## ADDITIONAL UNITS IN MAG. PED. AND MAG. EQU.

v.	183	Augustei	<i>aux. pal.</i>
	198-9	Honoriani Marcomanni Sen. or Iun.	" "
	207	Exculcatores Iun. Britannici	" "
	217	Felices Iun. Gallicani	" "
	261	Taurunenses	<i>pseudo com.</i>
vi.	262	Antianenses	" "
	75	Comites Iun.	<i>vex. com.</i>
	85	Cuneus Equ. Promotorum	" "

## DUPLICATED UNITS IN DISTRIBUTIO

v.	185	Victores Iun.	<i>aux. pal.</i>	vii. {	126	Spain	Victores Iun.
					154	Britain	Victores Iun. Britannici
	190	Valentinianenses Iun.	<i>aux. pal.</i>	{	61	Illyricum	Valentinianenses
					71	Gaul	Valentinianenses
vi.	241	Secunda Britannica	<i>leg. com.</i>	{	84	Gaul	Secundani Britones
					156	Britain	Secundani Iun.
	273	Septimani	<i>pseudo-com.</i>	{	103	Gaul	Septimani Iun.
					139	Tingitania	Septimani Iun.
	59	Equ. Honoriani	<i>vex. com.</i>	{	172	Gaul	Equ. Honoriani Iun.
		Taifali Iun.			205	Britain	Equ. Taifali
	60	Equ. Honoriani Sen.	<i>vex. com.</i>	{	171	Gaul	Equ. Honoriani Sen.
					202	Britain	Equ. Honoriani Sen.
	63	Equ. Scutarii	<i>vex. com.</i>	{	181	Africa	Equ. Scutarii Sen.
					207	Tingitania	Equ. Scutarii Sen.

TABLE IV  
COMITES AND DUCES IN THE WEST

INDEX	MAG. PED. PRAES.	CHAPTERS	DISTRIBUTIO
5. Magister peditum in praesenti 6. Magister equitum in praesenti 7. Magister equitum per Gallias		v. Magister peditum praesentalis vi. Magister equitum praesentalis —	— — 63, 166. Magister equitum Galliarum ( <i>officium</i> , 111-117)
30. Comites rei militaris rex	126. Comites limitum infra-scriptorum		
31. Italiae	127. Italiae	xxiv. Comes Italiae tractus Italiae circa Alpes (no <i>officium</i> or troops)	—
32. Africae	128. Africae	xxv. Comes Africae ( <i>limitanei</i> and <i>officium</i> )	140, 179. Comes Africae
33. Tingitaniae	129. Tingitaniae	xxvi. Comes Tingitaniae ( <i>limitanei</i> and <i>officium</i> )	135, 206. Comes Tingitaniae
34. Tractus Argentoratensis	130. Tractus Argentoratensis	xxvii. Comes Argentoratensis tractus Argentoratensis (no <i>officium</i> or troops)	—
35. Britanniarum	131. Britanniarum	xxix. Comes Britanniarum provincia Britannia ( <i>officium</i> but no troops)	153, 199. Comes Britanniarum
36. Litoris Saxonici per Britannias	132. Litoris Saxonici per Britannias	xxviii. Comes Litoris Saxonici per Britanniam (troops and <i>officium</i> )	—
—	—	—	40. Comes Illyrici
—	—	—	118. Comes Hispaniarum

TABLE IV—*continued*

INDEX	MAG. PED. PRAES.	CHAPTERS	DISTRIBUTIO
37. Duces duodecim	133. Duces limitum infra scriptorum decem		
38. Limitis Mauretaniae Caesariensis	134. Mauretaniae Caesariensis	xxx. Dux et praeses prov. Maur. Caes.	
39. Limitis Tripolitani	135. Tripolitani	xxxi. Dux prov. Tripolitanae	
41. Pannoniae II	136. Pannoniae II	xxxii. Dux prov. Pann. II Ripa- riensis et Saviae	
42. Valeriae Ripensis	137. Valeriae Ripensis	xxxiii. Dux prov. Val. Rip.	
40. Pannoniae I et Norici Ripensis	138. Pannoniae I et Norici Ripensis	xxxiv. Dux prov. Pann. I et Nor. Rip.	
43. Raetiae I and II	139. Raetiae I et II	xxxv. Dux prov. Raet. I et II	
44. Sequanicae	—	xxxvi. Dux prov. Sequanici	
45. Tractus Armorici et Nervicani	—	xxxvii. Dux tractus Arm. et Nerv.	
46. Belgicae II	140. Belgicae II	xxxviii. Dux Belgicae II	
47. Germaniae I	141. Germaniae I	—	
48. Britanniae	142. Britanniarum	xl. Dux Britanniarum	
49. Moguntiacensis	143. Moguntiacensis	xli. Dux Moguntiacensis	

TABLE V  
EASTERN UNITS RAISED BEFORE AND AFTER 379

	BEFORE 379	AFTER 379	TOTAL	MAG. MIL. PRAES. I	MAG. MIL. PRAES. II	MAG. MIL. OR.	MAG. MIL. THRAC.	MAG. MIL. ILLYR.
<i>vex. pal.</i>	9	5	14	4+1 = 5	5+1 = 6	—	0+3 = 3	—
<i>vex. com.</i>	28	1	29	7+0 = 7	6+0 = 6	10+0 = 10	3+1 = 4	2+0 = 2
<i>leg. pal.</i>	13	0	13	6+0 = 6	6+0 = 6	—	—	1+0 = 1
<i>aux. pal.</i>	32	11	43	13+5 = 18	13+4 = 17	0+2 = 2	—	6+0 = 6
<i>leg. com.</i>	37	1	38	—	—	8+1 = 9	21+0 = 21	8+0 = 8
<i>pseudocom.</i>	8	12	20	—	0+1 = 1	8+2 = 10	—	0+9 = 9
Total	127	30	157	30+6 = 36	30+6 = 36	26+5 = 31	24+4 = 28	17+9 = 26

TABLE VI\*  
WESTERN UNITS RAISED BEFORE AND AFTER 395

	BEFORE 395	AFTER 395	TOTAL	ITALY	GAUL	ILLYRI- CUM	SPAIN	AFRICA	TINGITA- NIA	BRITAIN
<i>vex. pal.</i>	9	1	10	5+1 = 6	4+0 = 4	—	—	—	—	—
<i>vex. com.</i>	7	27	34	0+1 = 1	5+3 = 8	—	—	0+19 = 19	0+2 = 2	2+2 = 4
<i>leg. pal.</i>	12	—	12	8+0 = 8	1+0 = 1	—	—	3+0 = 3	—	—
<i>aux. pal.</i>	40	24	64	16+6 = 22	9+6 = 15	7+6 = 13	8+3 = 11	0+1 = 1	0+2 = 2	—
<i>leg. com.</i>	16	17	33	3+2 = 5	2+7 = 9	4+1 = 5	5+0 = 5	1+7 = 8	—	1+0 = 1
<i>pseudocom.</i>	—	28	28	0+2 = 2	0+21 = 21	0+4 = 4	—	—	0+1 = 1	—
Total	84	97	181	32+12 = 44	21+37 = 58	11+11 = 22	13+3 = 16	4+27 = 31	0+5 = 5	3+2 = 5

\* In this table I have omitted the eight units which appear only in ch. v and vi (and not in vii), and have assigned the seven duplicated units in ch. vii to the first army in which they are named (see Table III).

/ BLE VII  
LIMITANEI PROMOTED INTO THE WESTERN COMITATUS

DISTRIBUTIO	MAGISTER PEDITUM	ORIGIN OF UNITS
<p>INTRA ITALIAM</p> <p>31. Septimani Iun. 34. I Iulia 35. III Iulia 39. Pontanenses</p>	<p>242. Septimani Iun. 257. I Alpina 248. III Iulia Alpina 263. Pontinenses</p>	<p>(from VII Gemina, Spain, xliii. 26) } (units from Gallia Riparensis?) (unit from Pons Aeni, Raetia)</p>
<p>INTRA ILLYRICUM</p> <p>58. Lanciarii Lauriacenses 59. Lanciarii Comaginenses 60. II Iulia 62. Catarienses — —</p>	<p>259. Lanciarii Lauriacenses 260. Lanciarii Comaginenses 258. II Iulia Alpina — 261. Taurunenses 262. Antianenses</p>	<p>(unit from Lauriacum, Noricum) (unit from Comaginac, Noricum) (unit from Gallia Riparensis?) (unit from Moguntiacum, <i>ILS</i>2626) = Aux. Ascarii, Tauruno (Pannonia II, xxxii. 43) = Aux. Novensia, Antiana (Pannonia II, xxxii. 40)</p>
<p>INTRA GALLIAS</p> <p>84. (cf. 156) Secundani Britones 85. Ursarienses 86. Praesidienses 87. Geminiacenses 88. Cortoriacenses 90. I Flavia Gallicana 91. Martenses 92. Abrincateni 93. Defensores Sen. 94. Mauri Osismiacci 95. I Flavia 96. Superventores Iun. 97. Balistarii 98. Defensores Iun. —</p>	<p>241. II Britannica 244. Ursarienses 243. Praesichantes 246. Geminiacenses 245. Cortoriacenses 264. I Flavia Gallicana Constantia 265. Martenses 266. Abrincateni 267. Defensores Sen. 268. Mauri Osismiacci 269. I Flavia Metis 270. Superventores Iun. — —</p>	<p>(from II Augusta, Britain, xxviii. 19) = Mil. Ursarienses (Raetia, xxxv. 20) = Aux. Praesidentia (Pannonai II, xxxii. 42) (unit from Geminiacum, Belgica) (unit from Cortoriacum, Belgica) = Mil. I Flaviae, Constantia (Armorica, xxxvii. 20) = Mil. Martenses (Armorica, xxxvii. 19) = Mil. Dalmatae, Abrincatis (Armorica, xxxvii. 22) = Num. Defensorum (Britain, xl. 27) = Mil. Mauri Osismiacci (Armorica, xxxvii. 17) (from I Flavia, stationed at Metis, Belgica) = Mil. Superventores (Armorica, xxxvii. 18) = Mil. Balistarii (Moguntiacum, xli. 23) = Mil. Defensores (Moguntiacum, xli. 24)</p>

(continued on p. 366)



TABLE VII—(continued)

DISTRIBUTIO	MAGISTER PEDITUM	ORIGIN OF UNITS
INTRA GALLIAS		
99. Garronenses	—	= Mil. Garronenses (Armorica, xxxvii. 15)
100. Anderetiani	—	= Mil. Anderetiani (Moguntiacum, xli. 17)
101. Acincenses	—	= Mil. Acincenses (Moguntiacum, xli. 25)
102. Cornacenses	272. Cornacenses	(unit from Cornacum, Pannonia II)
103. (cf. 139) Septimani Iun.	273. Septimani	(from VII Gemina, Spain, xlii. 26)
104. Cursarienses Iun.	—	= Mil. Ursarienses (Armorica, xxxvii. 21)
105. Musmagenses	—	—
106. Romanenses	274. Romanenses	—
107. Insidiatores	—	= Aux. Insidiatorum (Valeria, xxxiii. 50)
108. Truncensimani	—	(from XXX Ulpia of Germania I)
109. Abulci	—	= Numerus Abulcorum (Britain, xxviii. 20)
110. Exploratores	—	= Numerus Exploratorum (Britain, xxxiii. 21)
INTRA TINGITANIAM		
138. Constantiniani	271. Constantiaci	(from an African legion)
139. (cf. 103) Septimani Iun.	—	(from VII Gemina, Spain)
INTRA AFRICAM		
146. Primani	249. I Flavia Pacis	} (African legions)
147. Secundani	250. II Flavia Virtutis	
148. Tertiani	251. III Flavia Salutis	
149. Constantiniani	252. Flavia Victrix Constantina	
150. Constantiaci	253. II Flavia Constantiniana	
151. Tertio Augustani	254. Tertio Augustani	= Mil. Fortenses (Tripolitania, xxxi. 29)
152. Fortenses	255. Fortenses	
INTRA BRITANNIAS		
155. Primani Iun.	—	(from I Adiutrix, Valeria, or I Noricorum, Noricum, or I Minervia?)
156. (cf. 84) Secundani Iun.	—	(from II Augusta, Britain, xxvii. 19)

## TABLE VIII

## SENIOR PALATINE REGIMENTS

MAG. PED. OCC. <i>legiones</i>	MAG. MIL. PRAES. I OR. <i>legiones</i>	MAG. MIL. PRAES. II OR. <i>legiones</i>
145. <i>Ioviani Sen.</i> 146. <i>Herculiani Sen.</i> 147. Divitenses Sen. 148. Tungricani Sen.	42. <i>Lanciarrii Sen.</i> 43. <i>Ioviani Iun.</i> 44. <i>Herculiani Iun.</i>	
<i>auxilia</i>	<i>auxilia</i>	<i>auxilia</i>
158. Cornuti Sen. 159. Brachiati Sen. 160. Petulantes Sen. 161. Celtae Sen. 162. Heruli Sen. 163. Batavi Sen. 164. Mattiaci Sen. 165. Mattiaci Iun.	49. Batavi Sen. 50. Brachiati Iun. 51. Salii 52. Constantiani 53. Mattiaci Sen.	49. Regii 50. Cornuti 51. Tubantes 52. Constantiniani 53. Mattiaci Iun.
MAG. EQU. OCC. <i>vexillationes</i>	<i>vexillationes</i>	<i>vexillationes</i>
43. <i>Comites Sen.</i> 44. <i>Equ. Promoti Sen.</i> 45. Equ. Brachiati Sen. 46. Equ. Batavi Sen. 47. Equ. Cornuti Sen. 48. Equ. Cornuti Iun.	28. <i>Equ. Promoti Sen.</i>	27. <i>Comites Sen.</i> 28. Equ. Brachiati Iun. 29. Equ. Batavi Iun.

*Note:* Units which probably belonged to Diocletian's *comitatus* are italicised. The remainder may have formed part of Constantine's early *comitatus*.

TABLE IX

THE SEVERAN ARMY		THE NOTITIA DIGNITATUM					
Province	Legion	Commander	Legion	Station	Legions or detachments in the <i>comitatus</i>	Army group	Reference
Cyrenaica	none	dux Libyarum ( <i>or.</i> xxx)	(page missing)	(page missing)			
Aegyptus	II Traiana	comes limitis Aegypti ( <i>or.</i> xxviii)	II Traiana III Diocletiana V Macedonica <sup>1</sup> XIII Gemina <sup>1</sup>	Parembolē (19) Andropolis (18) Memphis (14) Babylon (15)			
			III Diocletiana <sup>2</sup>	{ Ombi (31) Praesentia (33) Thebae (38)	III Diocletiana Thebaeorum (com.)	Thracia	<i>or.</i> viii. 37
			II Flavia Constantia II Traiana <sup>2</sup>	Cusae (32) Apollinopolis (34)	II Flavia Constantia Thebaeorum (com.)	Oriens	<i>or.</i> vii. 45
		dux Thebaidos ( <i>or.</i> xxxi)	I Valentiniana I Maximiana	Coptos (36) Philae (37)	I Maximiana Thebaeorum (com.)	Thracia	<i>or.</i> viii. 36
			II Valentiniana	Hermonthis (39)	II Felix Valentis Thebaeorum (com.) Thebaei (com.)	Oriens Italia	<i>or.</i> vii. 46 <i>occ.</i> vii. 29 (v. 154)

BB	Palaestina	X Fretensis VI Ferrata	dux Palaestinae (or. xxxiv)	X Fretensis <sup>3</sup> —	Aila (30) —			
	Arabia	III Cyrenaica	dux Arabiae (or. xxxvii)	III Cyrenaica IV Martia	Bostra (21) Betthoro (22)			
	Phoenice	III Gallica	dux Phoenicis (or. xxxii)	III Gallica <sup>4</sup> I Illyricorum <sup>4</sup>	Danaba (30) Palmyra (31)			
	Syria	IV Scythia XVI Flavia Firma	dux Syriae et Euphratensis (or. xxxiii)	IV Scythia XVI Flavia Firma	Oresa (23) Sura (28)			
	Mesopotamia	I Parthica	dux Mesopotamiae (or. xxxvi)	I Parthica II Parthica <sup>5</sup>	Constantina (29) Cefa (30)			
		III Parthica	dux Osrhoenae (or. xxxv)	[III Parthica] IV Parthica	[Apatna] (25) Circesium (24)			
		IV Italica(?)	—	—	—			
	Cappadocia	XV Apollinaris XII Fulminata	dux Armeniae (or. xxxviii)	XV Apollinaris XII Fulminata I Pontica <sup>7</sup>	Satala (13) Melitene (14) Trapezus (16)	IV Italica (ps.) I Armeniaca (ps.) II Armeniaca (ps.) VI Parthica (ps.)	} Oriens <sup>6</sup>	or. vii. 49, 50, 54-5

<sup>1</sup> Detachments from Dacia (q.v.).<sup>2</sup> Detachments from Egypt (q.v.).<sup>3</sup> A detachment of X Fretensis was destroyed in 359 at Amida (Amm. xviii. ix. 3, xix. viii).<sup>4</sup> These two legions sent a vexillation to Egypt in 315-23 (*ILS* 8882).<sup>5</sup> II Parthica was stationed in Italy under the Severi.<sup>6</sup> These units were probably the garrison of Diocletian's Transtigritane conquests. V Parthica was destroyed in 359 (Amm. xviii. ix. 3, xix. viii) at Amida.<sup>7</sup> Recorded at Trapezus under the tetrarchy (*ILS* 639).

TABLE IX—*continued*

THE SEVERAN ARMY		THE NOTITIA DIGNITATUM					
Province	Legion	Commander	Legion	Station	Legions or detachments in the <i>comitatus</i>	Army group	Reference
Galatia	none	comes per Isauriam ( <i>or.</i> xxix)	— II Isaura III Isaura	— — <sup>8</sup> — <sup>8</sup>	I Isaura Sagittaria (ps.) <sup>8</sup>	Oriens	<i>or.</i> vii. 56
Moesia Inferior		dux Scythiae ( <i>or.</i> xxxix)	I Iovia	{ Noviodunum (32, 33) Aegissus (34) Platypegiae (35) Troesmis (29, 31) Axiupolis (30) Platypegiae (35)	Ioviani Sen. (pal.) <sup>9</sup>	Italia	<i>occ.</i> vii. 3 (v. 145)
			II Herculia		Ioviani Iun. (pal.) <sup>9</sup> Herculiani Sen. (pal.) <sup>9</sup>	Praes. Or. Italia	<i>or.</i> v. 43 <i>occ.</i> vii. 4 (v. 146)
		dux Moesiae II ( <i>or.</i> xl)	I Italica	{ Novae (30, 31) Sexaginta-prista (32) Durostorum (33) Transmarisca (34, 35)	Herculiani Iun. (pal.) <sup>9</sup>	Praes. Or.	<i>or.</i> v. 44
			XI Claudia		I Italica (ps.) Primani (pal.)	Oriens Praes. Or.	<i>or.</i> vii. 53 <i>or.</i> vi. 45
Moesia Superior	IV Flavia	dux Moesiae I ( <i>or.</i> xli)	IV Flavia	Singidunum (30)	Undecimani (pal.)	Praes. Or.	<i>or.</i> vi. 46
	VII Claudia		VII Claudia	{ Viminacium (31) Cuppi (32)	Undecimani (com.)	Hispania	<i>occ.</i> vii. 134 (v. 234)
					Moesiaci Sen. (pal.) <sup>10</sup>	Italia	<i>occ.</i> vii. 8 (v. 150)

Dacia	V Macedonica	dux Daciae Ripensis ( <i>or.</i> xlii)	V Macedonica <sup>11</sup>	{ Variana (31) Cebus (32) Oescus (33) Sucidava (39) Aegeta (34) Transdrobeta (35) Burgus Novus (36) Zernae (37) Ratiaria (38) }	V Macedonica (com.)	Oriens	<i>or.</i> vii. 39
	XIII Gemina		XIII Gemina <sup>11</sup>		Tertiodecimani (com.)	Thracia	<i>or.</i> viii. 38
Pannonia inferior	I Adiutrix	dux Pannoniae II Ripariensis et Saviae ( <i>occ.</i> xxxii)	V Iovia <sup>12</sup>	{ Bononia (44) Burgenae (46) Onagrinum (48) Aureus Mons (45) Teutiborgium (47) Onagrinum (48) }			
			VI Herculia <sup>12</sup>				
		dux Valeriae Ripensis ( <i>occ.</i> xxxiii)	I Adiutrix	Brigetio (51)	Primani Iun. <sup>13</sup>	Britannia	<i>occ.</i> vii. 155
	II Adiutrix		II Adiutrix	{ Alisca (52) Florentia (53) Acincum (54) Tautantum (55) Cirpus (56) Lussonium (57) }	Pannoniciani Sen. (pal.) <sup>14</sup> Pannoniciani Iun. (com.) <sup>14</sup>	Italia Thracia	<i>occ.</i> vii. 7 (v. 149) <i>or.</i> viii. 48
					Secundani (com.) <sup>13</sup>	Illyricum Or.	<i>or.</i> ix. 35

<sup>8</sup> There were three legions in Isauria in 353 (Amm. xiv. ii. 14).

<sup>9</sup> These detachments (or some of them) might also come from V Iovia and VI Herculia of Pannonia II (q.v.) or from III Herculia (Com.

Illyr. Occ., *Occ.* v. 238 = vii. 54) and a presumed IV Iovia.

<sup>10</sup> Ammianus (xx. i. 3) mentions two numeri Moesiacorum in 360.

<sup>11</sup> There are detachments of both legions in Egypt (q.v.).

<sup>12</sup> See n. 9.

<sup>13</sup> These detachments may come from other First and Second legions.

<sup>14</sup> These detachments may come from Pannonia Superior.

TABLE IX—*continued*

THE SEVERAN ARMY		THE NOTITIA DIGNITATUM					
Province	Legion	Commander	Legion	Station	Legions or detachments in the comitatus	Army group	Reference
Pannonia Superior	X Gemina	dux Fannoniae I et Norici Ripensis ( <i>occ.</i> xxxiv)	X Gemina	Vindobona (25) Arrabona (27)	X Gemina (com.)	Oriens	<i>or.</i> vii. 42
	XIV Gemina		XIV Gemina	Carnuntum (26) Arrabona (27)	Quartodecimani (com.)	Thracia	<i>or.</i> viii. 39
Noricum	II Italica		II Italica	Ioviacum (37) Lentia (38) Lauriacum (39)	Secundi Italiciani (com.)	Africa	<i>occ.</i> vii. 144 (v. 235)
			I Noricorum	Adiuvense (40) Favianae (41)			
Raetia	III Italica	dux Raetiae I et II ( <i>occ.</i> xxxv)	III Italica	Vallatum (17) Submuntorium (18) Cambodunum (19) Foetes (21) Terioli (22)	III Italica (com.)	Illyricum Occ.	<i>occ.</i> vii. 53 (v. 237)

Germania Superior	I Minervia	dux Sequanici <i>occ.</i> xxxvi)					
		dux Moguntiacensis <i>(occ.</i> xli)	II Flavia	Vangiones (20)			
	XXX Ulpia		—	—	Minervii (com.)	Illyricum Or.	<i>or.</i> ix. 37
Belgica	none	dux Belgicae II <i>(occ.</i> xxxviii)	—	—	Germanici Sen. <sup>15</sup> (com.)	Illyricum Or.	<i>or.</i> ix. 34
					Truncensimani (ps.) <sup>16</sup>	Gallia	<i>occ.</i> vii. 108
	none	dux Tractus Armorici <i>(occ.</i> xxxvii)	I Flavia	Constantia (20)	I Flavia Mettis (ps.) <sup>17</sup>	Gallia	<i>occ.</i> vii. 95 (v. 269)
Lugdunensis	none	—	—	—	I Flavia Constantia (com.) <sup>18</sup>	Oriens	<i>or.</i> vii. 44
					I Flavia Gallicana Constantia <sup>18</sup> (ps.)	Gallia	<i>occ.</i> vii. 90 (v. 264)
Germania Inferior	VIII Augusta XXII Primigenia	—	—	—	Octavani (pal.)	Italia	<i>occ.</i> vii. 28 (v. 153)
					II Britannica (com.)	Gallia	<i>occ.</i> vii. 84 (v. 241)
Britannia Superior	II Augusta	comes litoris Saxonici <i>(occ.</i> xxviii)	II Augusta	Rutupiae (19)	Secundani Iun.	Britannia	<i>occ.</i> vii. 156
Britannia Inferior	XX Valeria Victrix <sup>19</sup> VI Victrix	dux Britanniarum <i>(occ.</i> xl)	— VI	— (18)			

<sup>15</sup> This detachment may come from Germania Inferior.

<sup>16</sup> A detachment of XXX was destroyed in 359 at Amida (Amm. xviii. ix. 3, xix. viii).

<sup>17</sup> This legion is distinguished by its station, Mettis in Belgica I.

<sup>18</sup> This legion is distinguished by its station, Constantia in Lugdunensis II. The two entries

under Armorica and among the pseudocom. of Gaul are probably duplicates.

<sup>19</sup> Last recorded on the coinage of Carausius.



TABLE IX—*continued*

THE SEVERAN ARMY		THE NOTITIA DIGNITATUM					
Province	Legion	Commander	Legion	Station	Legions or detachments in the comitatus	Army group	Reference
Hispania	VII Gemina	praepositura magistri ped- itum ( <i>occ.</i> xlii)	VII Gemina	Legio (26)	VII Gemina (com.) Septimani Sen. (com.) Septimani Iun. (com.) Septimani Iun. (ps.)	Oriens Hispania  Italia  { Gallia Tingitania	<i>or.</i> vii. 41 <i>occ.</i> vii. 132 (v. 228) <i>occ.</i> vii. 31 (v. 242) <i>occ.</i> vii. 103, 139 (v. 273)
Mauretania Tingitana	none	comes Tingi- taniae ( <i>occ.</i> xxvi)	—	—	Constantiaci <i>or</i> Constantiniani (ps.)	Tingitania	<i>occ.</i> vii. 138 (v. 271)
Mauretania Caesariensis	none	dux Maurita- niae Caesa- riensis ( <i>occ.</i> xxx)	—	—	I Flavia Pacis <sup>20</sup> II Flavia Virtutis	{ Africa	<i>occ.</i> vii. 146-51 (v. 249-54)
Africa	none	dux Tripoli- tanae ( <i>occ.</i> xxxi)	—	—	III Flavia Salutis		
Numidia	III Augusta	comes Africae ( <i>occ.</i> xxv)	—	—	Flavia Victrix Constantina II Flavia Constan- tiniana Tertio Augustani		

<sup>20</sup> The Milites Pacenses under the dux Mogentiacensis (*occ.* xli. 5) and the Numerus Pacensium under the dux Britanniarum (*occ.* xl. 29) are perhaps detachments of I Flavia Pacis.

To judge by their numeration and titles the following legions of the *comitatus* may also have belonged to the frontier army of the early fourth century:

1. III Herculia	<i>com.</i>	Illyr. occ. ( <i>occ.</i> v. 238 = vii. 54)
2. I Flavia Gemina	<i>com.</i>	Thrac. ( <i>or.</i> viii. 40)
3. II Flavia Gemina	<i>com.</i>	Thrac. ( <i>or.</i> viii. 41)
4. Iulia Alexandria	<i>com.</i>	Thrac. ( <i>or.</i> viii. 51)
5. I Iulia Alpina	<i>pseud.</i>	Ital. ( <i>occ.</i> v. 257 = vii. 34)
6. II Iulia Alpina	<i>pseud.</i>	Illyr. occ. ( <i>occ.</i> v. 258 = vii. 60)
7. III Iulia Alpina	<i>com.</i>	Ital. ( <i>occ.</i> v. 248 = vii. 35)
8. I Martiorum	<i>com.</i>	Illyr. or. ( <i>or.</i> ix. 32, <i>ILS</i> 775)
9. Solenses Seniores	<i>com.</i>	Thrac. ( <i>or.</i> viii. 34)
Solenses Gallicani	<i>com.</i>	Thrac. ( <i>or.</i> viii. 50)
10. Dianenses	<i>com.</i>	Illyr. or. ( <i>or.</i> ix. 33)
11. Fortenses	<i>pal.</i>	praes. or. ( <i>or.</i> v. 45)
„	<i>com.</i>	Hispania ( <i>occ.</i> v. 225 = vii. 130)
„	<i>com.</i>	Africa ( <i>occ.</i> v. 255 = vii. 152)

No. 1 should be one of a pair (III Herculia, IV Iovia), filling the gap between I Iovia and II Herculia of Scythia and V Iovia and VI Herculia of Pannonia II; they perhaps belonged to Sequanica. Nos. 2 and 3 might be detachments from a pair of legions stationed in some province, probably Eastern; Cyrenaica is a possibility. No. 4's title suggests that it came from Egypt. For Nos. 5-7 see above p. 356. There are tile stamps of the third century in Upper Germany of LEG I MR (*CIL* XIII. 12105-11) and No. 8 is probably this legion or a detachment of it (cf. the *Milites Martenses* of the dux Moguntiacensis (*occ.* xli. 19) and of the dux Armoricae (*occ.* xxxvi. 19)). No. 9 (cf. *occ.* xl. 28, Numerus Solensium in Britain) looks like a detachment from a legion named after Sol, Constantine's favourite god in his pagan days, and No. 10 with its pagan name must have been raised before 324. No. 11 (cf. *occ.* xxxi. 29, milites Fortenses at Lepcis in Tripolitania, perhaps the parent legion) also has a name of early style.

TABLE X  
THE EASTERN FRONTIER

PRO- VINCE	EQUITES ILLYRICIANI				EQUITES INDIGENAE		OTHER EQUITES	LEGIO- NES	ALAE	COHOR- TES	THEO- DOSIAN ADDI- TIONS
	DAL- MATAE	PRO- MOTI	SCUTA- RII	MAU- RI	PRO- MOTI	SAGIT- TARII					
Palestine ( <i>or.</i> xxxiv)	1	1	1	1	2	4	2	1	5 <sup>1</sup>	11 <sup>2</sup>	1 <i>ala</i>
Arabia ( <i>or.</i> xxxvii)	1	1	1	1	2	2	—	2	6 <sup>3</sup>	5	—
Phoenice ( <i>or.</i> xxxii)	1	1	1	1	2	4	2	2	7 <sup>4</sup>	5 <sup>5</sup>	—
Syria ( <i>or.</i> xxxiii)	1	1	1	1	2	4	—	1	2 <sup>6</sup>	4 <sup>7</sup>	—
Osrhoene ( <i>or.</i> xxxv)	1	1	—	1	2	4	—	2	5 <sup>8</sup>	2	1 <i>ala</i>
Mesopota- mia ( <i>or.</i> xxxvi)	—	1	1	—	2	4	1	2	3 <sup>9</sup>	2 <sup>10</sup>	1 <i>equites</i>

<sup>1</sup> Constantiana, Valentiana.<sup>2</sup> Valeria, Flavia, Gratiana.<sup>3</sup> Constantiana, Valentiana, Valentiniana.<sup>4</sup> Diocletiana.<sup>5</sup> Herculia.<sup>6</sup> Herculia.<sup>7</sup> Valeria.<sup>8</sup> Valeria, Diocletiana.<sup>9</sup> two Flaviae.<sup>10</sup> Valeria.

TABLE XI  
OTHER ARMIES OF EARLY TYPE

PROVINCE	CUNEI EQUITUM	EQUITES	LEGIONES	ALAE	COHORTES	NUMERI	MILITES	THEODOSIAN ADDITIONS
Armenia ( <i>or.</i> xxxviii)	—	2	3	6	9 <sup>1</sup>	—	—	5 <i>alae</i> 1 <i>cohors</i>
Egypt ( <i>or.</i> xxviii)	—	2	4 <sup>2</sup>	13 <sup>3</sup>	9	—	—	3 <i>alae</i>
Thebais ( <i>or.</i> xxxi)	2	6	8 <sup>4</sup>	14 <sup>5</sup>	10	—	1	1 <i>equites</i> 1 <i>ala</i>
Britain ( <i>occ.</i> xl) per lineam valli others	1 —	— 3 <sup>7</sup>	— 1	5 <sup>8</sup> —	16 —	1 10	— —	— —
Litus Saxonicum ( <i>occ.</i> xxviii)	—	2	1	—	1	4	1	—
Spain ( <i>occ.</i> xlii)	—	—	1	—	5 <sup>8</sup>	—	—	—
Tingitania ( <i>occ.</i> xxvi)	—	—	—	1 <sup>9</sup>	7 <sup>10</sup>	—	—	—

<sup>1</sup> Valentiana.    <sup>2</sup> Herculia.    <sup>3</sup> Diocletiana.    <sup>4</sup> Diocletiana, Maximiana, Flavia Constantia, I and II Valentiniana.    <sup>5</sup> Iovia, two Herculiae, Valeria.  
<sup>6</sup> Herculia.    <sup>7</sup> Crispiani.    <sup>8</sup> Flavia.    <sup>9</sup> Herculia.    <sup>10</sup> Herculia.

TABLE XII  
THE DANUBIAN FRONTIER

PROVINCE	CUNEI EQUITUM	EQUITES	AUXILIA	LEGIONES	CLASSES	ALAE	COHORTES	OTHERS
Scythia ( <i>or.</i> xxxix)	7 <sup>1</sup>	—	8 <sup>2</sup>	7 <sup>3</sup>	1	—	—	—
Moesia II ( <i>or.</i> xl)	7	—	10 <sup>4</sup>	6	1	—	3 <sup>5</sup>	—
Moesia I ( <i>or.</i> xli)	8 <sup>6</sup>	—	8 <sup>7</sup>	3	2	—	—	5 <i>milites</i>
Dacia ( <i>or.</i> xlii)	9 <sup>8</sup>	—	6	9	2	—	2	1 <i>milites</i>
Pannonia II ( <i>occ.</i> xxxii)	6 <sup>9</sup>	11	5	5 <sup>10</sup>	5 <sup>11</sup>	1	4 <sup>12</sup>	1 <i>milites</i>
Valeria ( <i>occ.</i> xxxiii)	5 <sup>13</sup>	17 <sup>14</sup>	5	8	1	—	6	—
Pannonia I ( <i>occ.</i> xxxiv)	2	14	—	8	3	—	5	1 <i>gens</i>
Raetia ( <i>occ.</i> xxxv)	—	3	—	5	—	3 <sup>15</sup>	7 <sup>16</sup>	1 <i>milites</i> 1 <i>gens</i> 1 <i>numerus</i>

<sup>1</sup> Arcades. <sup>2</sup> Constantini, two Constantiani, Gratianenses. <sup>3</sup> Herculia, Iovia. <sup>4</sup> Constantini, Constantiani, <sup>5</sup> Valeria. <sup>6</sup> Constantiani.

<sup>7</sup> Gratianenses <sup>8</sup> Constantiniani. <sup>9</sup> Constantiani, Constantes. <sup>10</sup> Iovia, Herculia. <sup>11</sup> two Flaviae. <sup>12</sup> Iovia. <sup>13</sup> Constantiani. <sup>14</sup> Flavianenses.

<sup>15</sup> two Valeriae, Flavia. <sup>16</sup> three Valeriae, three Herculiae.

TABLE XIII  
GAUL

PROVINCE	MILITES	EQUITES	CLASSES	COHORTES
Armorica ( <i>occ.</i> xxxvii)	9*	—	—	1
Moguntiacensis ( <i>occ.</i> xli)	11*	—	—	—
Belgica II ( <i>occ.</i> xxxviii)	1	1	1	—
Sequanica ( <i>occ.</i> xxxvi)	1	—	—	—

\* Including one legion.

TABLE XIV  
AFRICA

PROVINCE	LIMITES	MILITES
Africa ( <i>occ.</i> xxv)	16	—
Mauretania ( <i>occ.</i> xxx)	8	—
Tripolitania ( <i>occ.</i> xxxi)	12	2

*Note:* There are also in *occ.* xlii eight *classes*, two *milites* and two cohorts in Italy and Gaul.

TABLE XV  
NUMBERS

EASTERN COMITATUS

<i>vex. pal.</i>	14 × 500 = 7,000
<i>vex. com.</i>	29 × 500 = 14,500
<i>leg. pal.</i>	13 × 1,000 = 13,000
<i>aux. pal.</i>	43 × 500 = 21,500
<i>leg. com.</i>	38 × 1,000 = 38,000
<i>pseudocom.</i>	20 × 500 = 10,000
	Total 104,000

WESTERN COMITATUS

<i>vex. pal.</i>	10 × 500 = 5,000
<i>vex. com.</i>	34 × 500 = 17,000
<i>leg. pal.</i>	12 × 1,000 = 12,000
<i>aux. pal.</i>	64 × 500 = 32,000
<i>leg. com.</i>	33 × 1,000 = 33,000
<i>pseudocom.</i>	28 × 500 = 14,000
	Total 113,000

TABLE XV—*continued*

## EASTERN LIMITANEI

Province	Legions × 3,000	Other units × 500	Total
Libya	2?	20?	16,000?
Egypt	2 + 2 <sup>1</sup>	27	21,500
Thebaid	2 + 2 <sup>2</sup>	35 <sup>3</sup>	26,000
Palestine	1	29 <sup>4</sup>	18,500
Arabia	2	19 <sup>5</sup>	17,000
Phoenice	2	24	18,000
Syria	1	16	11,000
Osrhoene	2	17	14,500
Mesopotamia	2	15	13,500
Armenia	3	23 <sup>6</sup>	22,000
Isauria	2	—	6,000
Scythia	2	16	14,000
Moesia II	2	21	16,500
Moesia I	2	23	17,500
Dacia	2	20	16,000
Total	29 + 4	305	248,000

<sup>1</sup> V Macedonica and XIII Gemina are reckoned at only 1,000 each.

<sup>2</sup> I and II Valentiniana are reckoned at only 1,000 each. Four detachments of Egyptian legions are omitted.

<sup>3</sup> Including one unit of 1,000 (no. 35).

<sup>4</sup> Including two *alae miliariae* (nos. 32, 36).

<sup>5</sup> Including two *alae* and one *cobors miliariae* (nos. 25, 28, 31).

<sup>6</sup> Including three *cohortes miliariae* (nos. 27, 29, 30).

## WESTERN LIMITANEI

Province	Legions × 3,000	Other units × 500	Total
Britain	1	36	21,000
Saxon Shore	1	8	7,000
Spain	1	5	5,500
Tingitania	—	8	4,000
Tripolitania	1	1	3,500
Pannonia II	2	33	22,500
Valeria	2	34	23,000
Pannonia I	4	25	24,500
Raetia	1	16	11,000
Sequanica	—	1	500
Moguntiacum	1	10	8,000
Belgica II	—	3	1,500
Armorica	1	9	7,500
Misc.	—	12	6,000
Total	15	201	145,000
Deduct duplicated units	—	20	10,000
Revised total	15	181	135,000



### APPENDIX III

#### DIOCESES AND PROVINCES

In the table which follows I have set forth the main evidence for the diocesan and provincial structure of the empire from the Severi to the sixth century. The principal authorities are as follows:

(1) The Verona list, published by Mommsen (*Ges. Schr.* v. 561-88) and Seeck (in his edition of the *Notitia Dignitatum*). It seems to be, apart from a few later glosses and textual errors, an accurate account of the empire as it was between 312 and 314 (see Ch. II, n. 9).

(2) Festus's *Breviarium*. He dedicated it to Valens, and wrote it before 368, since he does not know of the new British province of Valentia.

(3) Ammianus's geographical excursuses. He published his history c. 391-5, but reproduced older material in these surveys (see Mommsen, *Ges. Schr.* vi. 393-425).

(4) The conciliar lists of the fourth century. That of Nicaea (325, covering the Eastern parts only) is reconstructed by Gelzer, *Patrum Nicaenorum Nomina* (Teubner), those of Sardica (343-4) have been collated by Feder (*Jb. Ak. Wien*, CLXVI (1910), no. v), that of Constantinople (381, covering the Eastern parts only) is printed in Mansi, III. 568-72. The lists as a whole conform to the contemporary secular provinces, and are of particular value since they show which cities belonged to each province.

(5) The *Notitia Dignitatum*. I would date the document basically to c. 408, with later revisions in the West down to 423 (see Appendix II).

(6) The *Notitia Galliarum* (printed in Seeck's edition of the *Notitia Dignitatum*). It conforms exactly to the *Notitia Dignitatum*, and is of a high value as listing the cities of each province.

(7) Polemius Silvius. He wrote in 448, but used out-of-date and inaccurate material for Illyricum and the East (Mommsen, *Ges. Schr.* vii. 633-67, *Chron. Min.* i. 532-42; text also in Seeck's *Notitia Dignitatum*).

(8) The conciliar lists of the Council of Chalcedon (451) and the Epistles of Leo (457). For the areas which they cover (Dacia, Macedonia, Thrace, Asiana, Pontica, Oriens, Egypt) they correspond very closely to the *Notitia Dignitatum* and give us lists of the cities in each province. The evidence is assembled by Schwartz in *A.C.Oec.* II. vi. 105-11.

(9) The *Synecdemus* of Hierocles (Teubner and E. Honigmann, *Le Synecdémus d'Hierocles et l'opuscule géographique de Georges de Chypre*, Brussels, 1939, with full commentary). I have discussed the date of this list (which gives the cities of each province and the title of the governors for the Eastern empire) in my *Cities of the Eastern Roman Provinces*, 502-3, and still believe that it was based on a document of the latter part of Theodosius II's reign, with some later revision.

(10) The schedule to Just. *Nov.* viii, 535. It gives civil governors (graded by rank) for the provinces of the praetorian prefecture of the East.

(11) Georgius Cyprius (Teubner and Honigmann, op. cit.). This list, covering the dioceses of Oriens and Egypt only, resembles that of Hierocles (but omits the titles of governors). I have discussed its date in my *Cities*, 503-4; it falls in my opinion at the beginning of Justinian's reign.

(12) *CJ* I. xxvii. 1 (for Africa) and Justinian's later Novels.

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Severan provinces	THE VERONA LIST		NOTITIA DIGNITATUM					
	dioceses	provinces	dioceses	provinces	govs.	vicarii, etc.	rationales summarum	rationales sui privatae
Britannia Sup. Britannia Inf.	1 Britan- niae	Britannia I Maxima Caesariensis Britannia II Flavia Caesariensis	Britan- niae	Britannia I Maxima Caesariensis Britannia II Flavia Caesariensis Valentia	praes. cons. praes. praes. cons.	vicarius Britannia- rum	Britannia- rum	per Britan- nias
Belgica Germania Sup. Germania Inf. Lugdunensis	2 Galliae	Belgica I Belgica II Sequania Germania I Germania II Lugdunensis I Lugdunensis II	Septem Provin- ciae	Belgica I Belgica II Maxima Sequanorum Germania I Germania II Lugdunensis I Lugdunensis II Lugdunensis III Lugdunensis Senonia Alpes Poeninae et Graiae	cons. cons. praes. cons. cons. cons. praes. praes. praes. praes.	vicarius Septem Provincia- rum	Galliarum	per Gallias
Alpes Graiae Narbonensis Aquitania Alpes Maritimae	3 Viennen- sis	Viennensis Narbonensis I Narbonensis II Novempopuli Aquitania I Aquitania II Alpes Maritimae		Viennensis Narbonensis I Narbonensis II Novempopulana Aquitania I Aquitania II Alpes Maritimae	cons. praes. praes. praes. praes. praes. praes.		Quinque Provincia- rum	per Quinque Provincias

Baetica Lusitania	4	Baetica Lusitania Carthaginiensis Tarraconensis Callaecia Mauretania Tingitania	Hispaniae	Baetica Lusitania Carthaginiensis Tarraconensis Callaecia Tingitania Insulae Balearum	cons. cons. praes. praes. cons. praes. praes.	vicarius Hispaniarum	Hispaniae	per Hispanias
Tarraconensis	5	Proconsularis Zeugitana	Africa	Africa	proc.	proconsul	Africae	per Africam
Mauretania Tingitana					cons. praes.			
Africa		Byzacena (Tripolit)ana		Byzacium Tripolitania				
Numidia		Numidia Cirtensis Numidia Militiana		Numidia	cons. dux et praes. praes.	vicarius Africae	Numidia	
Mauretania Caesarensis		Mauretania Caesariensis Mauretania Tabia (?)		Mauretania Caesariensis Mauretania Sitifensis				

<sup>1</sup> Festus agrees with the Verona list; Polemius with the Notitia. Valentia was created in 369 (Amm. xxviii. iii. 7).

<sup>2</sup> Festus and Ammianus (xv. xi) agree with the Verona list; Polemius and the Notitia Galliarum (which distinguishes this diocese as Provinciae Gallianae) agree with the Notitia.

<sup>3</sup> Ammianus (xv. xi; cf. xvii. i. 4, xxii. i. 2), Hilary (*de synodis*, proem) and Festus give one Narbonensis only; the two provinces reappear first in 381 (Mansi, iii. 615). Ammianus and Hilary also record one Aquitania only, but Festus gives two. Polemius and the Notitia Galliarum (which calls this diocese Septem Provinciae) agree with the Notitia.

<sup>4</sup> Festus agrees with the Verona list; Polemius with the Notitia. Justinian (*CJ* i. xxvii. 1, 534) joined Tingitania (under a consular) to Africa.

<sup>5</sup> The last items of the Verona list, Mauretania Tabia Insidiana, are corrupt, and probably refer to Sitifensis and Tripolitana. Festus and Polemius both agree with the Notitia. Justinian (*CJ* i. xxvii. 1, 534) put Proconsularis, Byzacium and Tripolitania under consulars, and Numidia and Mauretania (one province) under *praesides*.

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THE WESTERN PARTS—*continued*

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APPENDIX III: DIOCESES AND PROVINCES

Severan provinces	THE VERONA LIST		NOTITIA DIGNITATUM					
	dioceses	provinces	dioceses	provinces	govs.	vicarii, etc.	rationales summarum	rationales rei privatae
Alpes Cottiae Raetia	6	Alpes Cottiae Raetia		Alpes Cottiae Raetia I Raetia II Venetia et Histria Flaminia et Picenum Annonarium Aemilia Liguria	praes. praes. praes. cons. cons. cons. cons.	vicarius Italiae	Italiae	per Italiam
		Venetia Histria Flaminia — —						
(Italia)		Tuscia Umbria Picenum — — Apulia Calabria Lucania —		Tuscia et Umbria Picenum Suburbicarium Campania Samnium Apulia et Calabria Bruttii et Lucania Valeria	cons. cons. cons. praes. corr. corr. praes.		urbis Romae	per urbem Romam et suburbi- cariam regionem
Sicilia		—		Sicilia	cons.	vicarius urbis Romae	Trium Provincia- rum	per Siciliam
Sardinia Corsica		— Corsica		Sardinia Corsica	praes. praes.			

BB	Noricum	7	Noricum Ripariense Noricum Mediterraneum	Illyricum	Noricum Ripense Noricum Mediterraneum Pannonia I	praes. praes. praes.	Pannoniae I Valeriae et Norici Med. et Rip.	per Illyricum
	Pannonia Sup.	Pannonia	Valeria					
	Pannonia Inf.		Pannonia Inferior Savensis		Pannonia II Savia	cons. corr.	Pannoniae II Dalmatiae	
	Dalmatia		Dalmatia		Dalmatia	praes.	et Saviae	

<sup>6</sup> The Verona list is very defective. The heading runs: 'dioecensis Italiciana habet provincias numero xvi', but there follow only the nine provinces given in the table. The old provinces of Sicily and Sardinia can certainly be restored, and also Campania, attested in the late third century (*CIL* vi. 1418, x. 304, 6084). The list of provinces given in SHA, *Triginta Tyranni*, 24, Campania, Samnium, Lucania Bruttii, Apulia Calabria, Etruria atque Umbria, Picenum et Flaminia, probably refers to the position in the late third or early fourth century, and adds Samnium, but excludes Valeria. In the north Aemilia is recorded in 321 (*CTh* iv. xiii. 1). Liguria was in 332 (*CTh* xi. xvi. 2, cf. *CIL* x. 1125) united with Aemilia, but may have been separate earlier. This gives only fifteen unless Raetia was already divided, but the number xvi may well be corrupt or a miscount by the scribe. The Notitia Dignitatum wrongly retains Valeria. It is correctly omitted by Polemius, who otherwise agrees with the Notitia (see p. 351). Justinian attached Sardinia (under a *praeses*) to Africa (*CJ* i. xxvii. 1, 543), and placed Sicily under a praetor directly responsible to Constantinople (Just. *Nov.* civ. 537).

<sup>7</sup> The Notitia wrongly omits Valeria. It is recorded by Festus and Polemius, who otherwise agree with the Notitia. Pannonia II is recorded by Hierocles in the diocese of Dacia. *v. p.* 351.

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APPENDIX III: DIOCESES AND PROVINCES

Severan provinces	THE VERONA LIST		NOTITIA DIGNITATUM				Hier- ocles	Justinian, <i>Nov. viii</i>	
	dioceses	provinces	dioceses	provinces	govs.	vicarii, etc.		provinces	govs.
Moesia Sup.	8	Praevalitana Dardania Moesia Superior Margensis Dacia	Dacia	Praevalitana Dardania Moesia I Dacia Ripensis Dacia Mediterranea	praes. praes. praes. praes. cons.		praes. praes. praes. cons. cons.		
Macedonia	Moesiae	Macedonia	Macedonia	Macedonia Macedonia Salutaris	cons. praes.	vicarius Macedo- niae	cons. praes.		
Epirus		Epirus Nova Epirus Vetus		Epirus Nova Epirus Vetus	praes. praes.		cons. praes.		
Achaia		Thessalia —		Thessalia Achaia	praes. proc.		praes. proc.		
Creta (with Cyrene)		Creta		Creta	cons.		cons.		
Moesia Inf.	9	Moesia Inferior Scythia Thracia Rhodope	Thracia	Moesia II Scythia Thracia Rhodope	praes. praes. cons. praes.	vicarius Thracia- rum	praes. praes. cons. praes.	Moesia II Scythia Thracia Rhodope	praes. praes. cons. cons.
Thracia		Haemimontus • Europa		Haemimontus Europa	praes. cons.		cons. cons.	Haemi- montus Europa	cons. cons.

Asia	10	Asia Hellespontus		Asia Hellespontus	proc. cons.	procon- sul Asiae	proc. cons.	Asia Helles- pontus Insulae	proc. cons.
		Insulae		Insulae	praes.		praes.	Insulae	praes.
	Asiana	Lydia Caria		Lydia Caria	cons. praes.	vicarius Asianae	cons. cons.	Lydia Caria	cons. cons.
		Phrygia I	Asiana	Phrygia Pacatiana	praes.		cons.	Phrygia Pac.	comes
		Phrygia II		Phrygia Salutaris	praes.		cons.	Phrygia Sal.	cons.
		Pamphylia		Pamphylia	cons.		cons.	Pamphy- lia	cons.
Lycia Pamphylia		Pisidia		Lycia Pisidia Lycaonia	praes. praes. praes.		cons. cons. cons.	Lycia Pisidia Lycaonia	cons. cons. cons.

<sup>8</sup> In the Verona list 'Priantina', a dittography of 'Privalentina' which follows, has replaced Achaa. The diocese of Moesiae was probably split into Dacia and Macedonia before 327 (see ch. III, n. 66). Polemius agrees with the Verona list, but Festus gives two Daciae and omits Dardania. Some conciliar lists of Sardica give two Daciae and Dardania. Dacia was still undivided in 321 (*CTb* II. xix. 2). In the Notitia Macedonia Salutaris is given in the index, but in the chapter of the praetorian prefect of Illyricum it is split between 'Epirus Nova et pars Macedoniae Salutaris' in the Macedonian diocese and 'Praevalitana et pars Macedoniae Salutaris' in the Dacian. The Macedonia I and II of Hierocles represent a different division of Macedonia (see p. 350).

<sup>9</sup> Ammianus (xxvii. iv), Festus and Polemius all concur. Justinian assigned Moesia and Scythia to the Quaestor Exercitus (Just. *Nov.* xli, 536). There was apparently no longer a vicar of Thrace in his reign (he is omitted in *Nov.* viii).

<sup>10</sup> The signatures of Nicaea show Asia united with Hellespontus (cf. *ILS* 1220-1), and only one Phrygia, but record Lycia, perhaps accidentally omitted from the Verona list. The signatures of Sardica agree with the Verona list except that they also add Lycia. Lycaonia was created shortly before 373 (Basil, *Ep.* 138). Polemius agrees with the Notitia. Justinian abolished the vicar of Asiana (*Nov.* viii §2, 535), assigned the Islands and Caria to the Quaestor Exercitus (*Nov.* xli, 536), and promoted the governor of Phrygia Pacatiana to *comes* and those of Lycaonia and Pisidia to praetor (*Nov.* viii §2, xxiv, xxv, 535).

DIOCESES AND PROVINCES  
THE EASTERN PARTS—*continued*

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APPENDIX III: DIOCESES AND PROVINCES

Severan provinces	THE VERONA LIST		NOTITIA DIGNITATUM				Hier- ocles	Justinian, <i>Nov. viii</i>				
	dioceses	provinces	dioceses	provinces	govs.	vicarii, etc.		provinces	govs.			
Bithynia Pontus	11	Bithynia Paphlagonia	Pontica	Bithynia Paphlagonia Honorias	cons. corr. praes.	vicarius Ponticae	cons. corr. praes.	Bithynia — Honorias	cons. — praes.			
Galatia		Galatia		Galatia Galatia Salutaris	cons. praes.		cons. praes.	Galatia I Galatia II	comes praes.			
Cappadocia		Diospontus		Helenopontus	praes.		cons.	Heleno- pontus	cons.			
		Pontus Polemoniacus		Pontus Polemoniacus	praes.		praes.	—	—			
		Cappadocia		Cappadocia I Cappadocia II	praes. praes.		cons. praes.	Capp. I Capp. II	cons. cons.			
		Armenia Minor		Armenia I Armenia II	praes. praes.		praes. praes.	Arm. I Arm. II Armenia Magna Nova Iustiniana	praes. cons. praes. praes. cons. cons.			
Cilicia		12		Isauria Cilicia	Oriens		Isauria Cilicia Cilicia II Syria	comes cons. praes. cons.	comes Orientis	praes. cons. praes. cons.	(Isauria) Cilicia I Cilicia II Syria I Theodo- rias	— cons. praes. comes cons.
Syria		Oriens		Syria Coele								Syria II Euphrat.
Mesopotamia	Augusta Euphratensis Osrhoena Mesopotamia		Syria Salutaris Euphratensis Osrhoena Mesopotamia	praes. praes. praes. praes.		praes. praes. praes. praes.	Mesop.	cons. praes. cons. praes.				



Phoenice	Oriens	Phoenice	Oriens	Phoenice	cons.	comes Orientis	cons.	Phoenice Paral. (Phoenice Liban.)	cons.
		Augusta Libanensis		Phoenice Libani	praes.		praes.	—	—
Arabia		Arabia		Arabia	dux et praes.		cons.	Arabia	praes.
Palaestina		Palaestina		Palestina	cons.		cons.	Palaesti- na I	cons.
				Palaestina II	praes.		praes.	Palaesti- na II	cons.
		Arabia		Palaestina Salutaris	praes.		praes.	Palaesti- na III	praes.
Cyprus		Cyprus		Cyprus	cons.		cons.	Cyprus	cons.
		Aegyptus Iovia	Aegyptus	Aegyptus	praes.	praefectus Augusta- lis	Augus- talis	Aeg. I Aeg. II	praes. praes.
				Augustamnica	corr.		corr.	August- amnica I	cons.
Aegyptus		Aegyptus Herculia		Arcadia	praes.		praes.	August- amnica II	praes.
		Thebais		Thebais	praes.		praes.	(Arcadia)	—
		Libya Inferior		Libya Inferior	praes.		dux	(Thebais)	—
Cyrenaica (with Creta)		Libya Superior		Libya Superior	praes.		praes.	(Libya)	—
							praes.	Libya Sup.	praes.

<sup>11</sup> The signatures of Nicaea agree with the Verona list. Polemius adds Honorias, created 384-7 (see p. 348). Cappadocia was divided in 371 (Greg. Naz. *Or.* xliiii. 58) and Armenia before 386 (*CTb* XIII. xi. 2). Justinian abolished the vicar of Pontica and promoted the governor of Galatia I to *comes* (*Nov.* viii §3) and later united Paphlagonia and Honorias under a praetor of Paphlagonia (*Nov.* xxix, 535), and Helenopontus and Pontus Polemoniacus under a *moderator* of Helenopontus (*Nov.* xxviii, 535). Hence the rather careless deletion of the *corrector* of Paphlagonia and the *praeses* of Pontus Polemoniacus from the schedule of *Nov.* viii. He also promoted the consular of Cappadocia I to proconsul (*Nov.* xxx, 536). Finally he reorganised the Armenias, making Armenia Magna, not yet recognised as a province in Hierocles but already under a consular in *Nov.* viii, into Armenia I under a proconsul; renumbering the old Armenia I as II (under a *praeses*) and the old II as III (under a *comes*); and making the Satrapies Armenia IV (under a *praeses*). The province of Nova Justiniana in *Nov.* viii is otherwise unknown; it appears to have been in Pontica, and may have been a temporary name of the Satrapies.

<sup>12</sup> See overleaf, pp. 390-1.

DIOCESES AND PROVINCES  
THE EASTERN PARTS—*continued*

<sup>12</sup> The original diocese of Oriens was divided into Oriens and Aegyptus c. 367 (ch. V, n. 9.). In the last column I have used Georgius Cyprius to fill a few gaps in Just. *Nov.* viii, which gives civil governors only and thus omits some provinces under military governors. This certainly accounts for the omission of Isauria, and probably of Phoenice Libanensis in Oriens, and of the Upper Thebaid in Egypt, and probably of the other missing Egyptian provinces. The early history of the provinces of Oriens in the narrow sense is so complicated that it merits a supplementary table:

Verona List	Council of Nicaea	Ammianus (xiv. viii)	Polemios	Council of Constantinople	Notitia Dignitatum		
Isauria	Isauria	Isauria	Isauria	Isauria	Isauria		
Cilicia	Cilicia	Cilicia	Cilicia	Cilicia	Cilicia		
					Cilicia II		
Syria Coele	Syria Coele	Syria	Syria Coele	Syria Coele	Syria		
					Syria Salutaris		
Aug. Euphrat.		Euphrat.	Euphrat.	Aug. Euphrat.	Euphratensis		
Osrhoene	Mesopotamia	Osrhoene	Osrhoene	Osrhoene	Osrhoene		
Mesopotamia			Mesopotamia	Mesopotamia	Mesopotamia		
Phoenice	Phoenice	Phoenice	Syria Phoenice	Phoenice	Phoenice		
Aug. Liban.					Phoenice Liban.		
Arabia	Arabia	Arabia	Arabia	Bostra	Arabia		
Arabia	Palaestina	Palaestina	Palaestina	Arabia	Pal. Salutaris		
Palaestina				Palaestina	Palaestina		Palaestina
							Palaestina II
Cyprus	Cyprus	Cyprus	Cyprus	Cyprus	Cyprus		

The first Arabia is the northern half of the old province, whose capital was Bostra, the second the southern half, whose capital was Petra; the second province was revived c. 357–8 (Lib. *Ep.* 334–5, Jerome, *Quaest. ad Gen.* xvii. 30), and having been attached to Palestine was called Palestine III. Cilicia II and Syria Salutaris (together with Honorias) are attributed by Malalas, 365, to Theodosius II; his source must have said Theodosius I. There were already three Palestines in 409 (*CTb* vii. iv. 30). Justinian made the *comes Orientis* merely the governor of Syria I (*Nov.* viii §5, 535), promoted the governors of Arabia and Phoenice Libanensis to *moderator* (*Nov.* cii, 536, *Ed.* iv, 535–6) and that of Palestine I to proconsul (*Nov.* ciii, 536), and transferred Cyprus to the Quaestor Exercitus (*Nov.* xli, 536).

The early changes in the diocese of Egypt also deserve a supplementary table:

Verona List	Council of Nicaea	Ammianus (xxii. xvi)	Polemios
Aegyptus Iovia	Aegyptus	Aegyptus	Aegyptus
Aegyptus Herculia		Augustamnica	Augustamnica Arcadia
Thebais	Thebais	Thebais	Thebais
Libya Inferior	Libya Inferior	Libya	Libya Sicca
Libya Superior	Libya Superior	Pentapolis	Libya Pentapolis

Augustamnica was created in 341 (*Ath. Index to Festal Letters*, 13).

## LIST OF COLLECTIONS AND PERIODICALS CITED

<i>Acta Inst. Rom. Regni Sueciae</i>	<i>Acta Instituti Romani Regni Sueciae (Skrifter utgivna av Svenska Institutet i Rom)</i>
<i>Aegyptus</i>	<i>Aegyptus, rivista italiana di egittologia e di papirologia</i>
<i>Anal. Boll.</i>	<i>Analecta Bollandiana</i>
<i>Anz. Ak. Wien</i>	<i>Antiquité Classique</i> <i>Anzeiger der Österreichischen Akademie d. Wissenschaften (Phil.-Hist. Kl.)</i>
<i>Ἀρχ. Δελτ</i>	<i>Ἀρχαιολογικὸν Δελτικόν</i>
<i>Archiv Pap.</i>	<i>Archiv für Papyrusforschung</i>
BCH	<i>Bulletin de correspondance hellénique</i>
BSA	<i>Annual of the British School at Athens</i>
<i>Bull. Ac. Roy. Belg.</i>	<i>Bulletin de l'Académie royale de Belgique (Classe des Lettres et des Sciences morales et politiques)</i>
<i>Byz. Zeitschr.</i>	<i>Byzantinische Zeitschrift</i>
CSEL	<i>Corpus Scriptorum Ecclesiasticorum Latinorum</i>
CSHB	<i>Corpus Scriptorum Historiae Byzantinae</i>
<i>Chron. d'Égypte</i>	<i>Chronique d'Égypte</i>
<i>Denkschr. Ak. Wien</i>	<i>Denkschriften der Österreichischen Akademie d. Wissenschaften (Phil.-Hist. Kl.)</i>
EHR	<i>English Historical Review</i>
<i>Econ. Hist. Rev.</i>	<i>Economic History Review</i>
FHG	<i>Fragmenta Historicorum Graecorum, C. Mueller, Paris, 1874-85</i>
FIR	<i>Fontes Iuris Romani Ante-Iustiniani, editio altera, by S. Riccobono and others, Florence, 1940, 1941, 1943 (3 vols.)</i>
<i>Gr. Schr.</i>	<i>Die Griechischen Christlichen Schriftsteller der ersten drei Jahrhunderte, herausgegeben im auftrage der Kirchenväter-Commission der Preussischen Akademie der Wissenschaften</i>
<i>Harvard Theol. Rev.</i>	<i>Harvard Theological Review</i> <i>Hermes</i> <i>Historia</i>
JEA	<i>Journal of Egyptian Archaeology</i>
<i>J. Eccl. Hist.</i>	<i>Journal of Ecclesiastical History</i>
JHS	<i>Journal of Hellenic Studies</i>
<i>J. Jur. Pap.</i>	<i>Journal of Juristic Papyrology</i>
JRS	<i>Journal of Roman Studies</i>
JTS	<i>Journal of Theological Studies</i>

	<i>Klio</i>
MGH (AA)	<i>Monumenta Germaniae Historica (Auctores Antiquissimi)</i>
„ (Leg.)	„ (Leges)
„ (Concilia)	„ (Legum Sectio III, vol. 1)
„ (Ep.)	„ (Epistolae)
„ (Gest. Pont. Rom.)	„ (Gesta Pontificum Romanorum)
„ (Scr. rer. Lang.)	„ (Scriptores rerum Langobardicarum et Italicarum)
„ (Scr. rer. Merov.)	„ (Scriptores rerum Merovingicarum)
Mansi	J.-D. Mansi, <i>Sacrorum Conciliorum nova et amplissima collectio</i>
Mém. Soc. Nat. Ant. de France	<i>Mémoires de la Société nationale des antiquaires de France</i>
Nachr. Ges. Gött. Wiss.	<i>Nachrichten der Gesellschaft der Wissenschaften zu Göttingen (Phil.-Hist. Kl.)</i>
Not. Scav.	<i>Notizie degli Scavi di Antichità</i>
Num. Chron.	<i>Numismatic Chronicle</i>
Num. Zeitschr.	<i>Numismatische Zeitschrift</i>
PG	J. P. Migne, <i>Patrologia Graeca</i>
PL	J. P. Migne, <i>Patrologia Latina</i>
PW(-K)	Pauly-Wissowa (-Kroll), <i>Real-Encyclopädie der classischen Altertumswissenschaft</i>
	<i>Past and Present</i>
	<i>Philologus</i>
REA	<i>Revue des Études Anciennes</i>
REG	<i>Revue des Études Grecques</i>
Rev. Belg. phil. hist.	<i>Revue Belge de philologie et d'histoire</i>
Rev. Hist.	<i>Revue Historique</i>
Rev. Hist. de droit.	<i>Revue Historique de droit français et étranger</i>
Rev. Or. Chrét.	<i>Revue de l'Orient Chrétien</i>
Rhein. Mus.	<i>Rheinisches Museum für Philologie</i>
Röm. Mitt.	<i>Mitteilungen des deutschen archäologischen Instituts, Römische Abteilung</i>
Sb. Ak. Wien	<i>Sitzungsberichte der Akademie der Wissenschaften in Wien (Philos.-Hist. Kl.)</i>
	<i>Studi e Testi</i>
	<i>Studios de edad media de la corona de Aragón, sec. de Zaragoza</i>
TAPA	<i>Transactions of the American Philological Association</i>
Traditio	<i>Traditio: Studies in ancient and medieval history, thought and religion</i>
Zeitsch. Sav. Stift. Rom. Abt.	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung</i>

## LIST OF SOURCES, WITH ABBREVIATIONS

A.C.Oec.	<i>Acta Conciliorum Oecumenicorum</i>	Ed. Schwartz, Berlin and Leipzig, 1922—
AE	<i>Année Épigraphique</i> <i>Acta Agapae</i>	G. Krueger, <i>Ausgewählte Märtyrerakten</i> <sup>3</sup> (Tubingen, 1929), 95-100 ibid., 106-9 ibid., 109-11 <i>Studi e Testi</i> , XLIX (1928), 47 ff. <i>Anal. Boll.</i> XLI (1923), 260 ff. G. Krueger, op. cit., 86-7 <i>Studi e Testi</i> , LXV (1935), 49 ff. <i>Anal. Boll.</i> XIV (1895), 375 ff. CSHB
	<i>Acta Claudii</i> <i>Acta Crispinae</i> <i>Acta Eupli</i>	
	<i>Acta Marcelli</i> <i>Acta Maximiliani</i> <i>Acta Saturnini</i> <i>Acta Sergii et Bacchi</i>	
Agath.	Agathias, <i>Historiarum libri V</i> Agennius Urbicus, <i>de controversiis agrorum</i>	Corpus Agrimensorum Romanorum, C. Thulin, 1913 (Teubner)
Agnellus, <i>Lib.</i> Pont. Eccl. Rav.	Agnelli qui et Andreas, <i>Liber Pontificalis Ecclesiae Ravennatis</i> A. Alt, <i>Die griechischen Inschriften der Palestina Tertia westlich der 'Araba</i> , Berlin and Leipzig, 1921	MGH ( <i>Ser. rer. Lang.</i> ) 263-391
Amb. c. Aux.	Ambrose, <i>contra Auxentium</i>	PL XVI. 1007-18
„ de exc. Sat.	„ de excessu fratris Satyri	CSEL LXXIII. 209-325
„ de ob. Theod.	„ de obitu Theodosii	CSEL LXXIII. 371-401
„ de ob. Val. Jun.	„ de obitu Valentiniani Iunioris	CSEL LXXIII. 329-67
„ Ep.	„ Epistolae	PL XVI. 875-1286
„ de Paen.	„ de Paenitentia	CSEL LXXIII. 119-206
„ Off.	„ de Officiis	PL XVI. 23-184
Amm.	Ammianus Marcellinus	V. Gardthausen, 1874 (Teubner)
Anon. de rebus bell.	Anonymus de rebus bellicis	E. A. Thompson, <i>A Roman Reformer and Inventor</i> , Oxford, 1952
Anon. Val.	Anonymus Valesianus	V. Gardthausen, 1874 (Teubner)
Anth. Nov.	Anthemius, <i>Novellae</i> Appian, <i>Syriaca</i>	<i>Codex Theodosianus</i> , vol. II, P. Meyer, Berlin, 1905 L. Mendelssohn, 1879 (Teubner)
Asterius Amas. Hom.	Asterius of Amaseia, <i>Homiliae</i>	PG XL. 163-478
Ath. Apol. c. Ar.	Athanasius, <i>Apologia contra Arianos</i>	H. G. Opitz, <i>Athanasius Werke</i> , II. i. 87-168
„ Apol. Const.	<i>Apologia ad Constantium</i>	PG XXV. 595-642
„ Apol. de fuga	<i>Apologia de fuga sua</i>	Opitz, op. cit., II. i. 68-86
„ Decr. Nic.	<i>de decretis Nicaenae synodi</i>	Opitz, op. cit., II. i. 1-45
„ de Synodis	<i>de Synodis</i>	Opitz, op. cit., II. i. 231-78
„ Fest. Ep.	<i>Festal Epistles</i>	F. Larsow, <i>Die Fest-Briefe des heiligen Athanasius</i> , Leipzig, Göttingen, 1852
„ Hist. Ar.	„ <i>Historia Arianorum</i>	Opitz, op. cit., II. i. 183-230
„ Or. I c. Arianos	„ <i>Oratio I contra Arianos</i>	PG XXVI. 11-116
„ V. Ant.	„ <i>Vita S. Antonii</i>	PG XXVI. 837-976
Aug. ad Don. post Coll.	Augustine, <i>ad Donatistas post Collationem</i>	CSEL LIII. 97-162
„ Brev. Coll.	<i>Breviculus Collationis cum Donatistis</i>	CSEL LIII. 39-92

Aug. <i>c. Acad.</i>	Augustine, <i>contra Academicos</i>	CSEL LXIII. 3-81
„ <i>c. Cresc.</i>	„ <i>contra Cresconium</i>	CSEL LII. 325-582
„ <i>c. Ep. Parm.</i>	„ <i>contra Epistulam Parmeniani</i>	CSEL LI. 19-141
„ <i>c. Faust.</i>	<i>contra Faustum</i>	CSEL XXV. 251-797
„ <i>c. Gaud.</i>	<i>contra Gaudentium</i>	CSEL LIII. 201-74
„ <i>Civ. Dei</i>	<i>de Civitate Dei</i>	CSEL XL
„ <i>c. Lit. Pet.</i>	<i>contra Litteras Petiliani</i>	CSEL LII. 3-227
„ <i>Coll. cum Maximino</i>	<i>Collatio cum Maximino</i>	PL XLII. 709-42
„ <i>Conf.</i>	<i>Confessiones</i>	CSEL XXXIII
„ <i>de adult. coniug.</i>	<i>de adulterinis coniugiis</i>	CSEL XLI. 347-410
„ <i>de bono coniug.</i>	<i>de bono coniugali</i>	CSEL XLI. 187-230
„ <i>de cura gerenda pro mortuis</i>	<i>de cura gerenda pro mortuis</i>	CSEL XLI. 621-59
„ <i>de doctrina Christiana</i>	<i>de doctrina Christiana</i>	PL XXXIV. 15-122
„ <i>de fide et oper.</i>	<i>de fide et operibus</i>	CSEL XLI. 35-97
„ <i>de haer.</i>	<i>de haeresibus ad Quodvult-deum</i>	PL XLII. 21-50
„ <i>de op. mon.</i>	<i>de opere monachorum</i>	CSEL XLI. 531-95
„ <i>de Serm. Dom. in Monte</i>	<i>de Sermone Domini in Monte</i>	PL XXXIV. 1229-1308
„ <i>de Symbolo</i>	<i>Sermo ad Catechumenos de Symbolo</i>	PL XL. 637-60
„ <i>En. in Ps.</i>	<i>Enarrationes in Psalmos</i>	PL XXXVI, XXXVII
„ <i>Ep.</i>	<i>Epistulae</i>	CSEL XXXIV, XLIV, LVII
„ <i>in Ep. Job. ad Parthos</i>	<i>in Joannis epistulam ad Parthos tractatus</i>	PL XXXV. 1977-2062
„ <i>Ps. c. part. Don.</i>	<i>Psalmus contra partem Donati</i>	CSEL LI. 3-15
„ <i>Retract.</i>	„ <i>Retractationes</i>	CSEL XXXVI
„ <i>Serm.</i>	„ <i>Sermones</i>	PL XXXVIII, XXXIX
Aur. Victor, <i>Caes.</i>	Aurelius Victor, <i>Liber de Caesaribus</i>	F. Pichlmayr, 1911 (Teubner)
Auson. <i>de feriis Rom.</i>	Ausonius, <i>de feriis Romanis</i>	MGH (AA), V
„ <i>Ep.</i>	„ <i>Epistulae</i>	„
„ <i>Gratiarum Actio</i>	„ <i>Gratiarum Actio dicta domino Gratiano Augusto</i>	„
Mosella	Mosella	
Prof.	<i>Commemoratio Professorum Burdigalensium</i>	
BGU	<i>Aegyptische Urkunden aus den staatlichen Museen zu Berlin, Griechische Urkunden</i> , Berlin, 1892-1937	
Barsanuphius	Βίβλος ψυχωφελεστάτη, περιέχουσα ἀποκρίσεις, διαφόροις ὑποθέσεσιν ἀνήκουσας, συγγραφείσα μὲν παρὰ τῶν ὁσίων καὶ θεοφόρων πατέρων ἡμῶν Βαρσανουφίου καὶ Ἰωάννου, ἐπιμελῶς δὲ διορθωθείσα καὶ τῇ τῶν ὁσίων βιογραφίᾳ . . . Soterios N. Schoinas, Volo, 1960	
Basil, <i>de spiritu sancto</i>	Basil, <i>liber de spiritu sancto</i>	PG XXXII. 67-218
„ <i>Ep.</i>	„ <i>Epistulae</i>	PG XXXII. 219-1112
„ <i>Hom.</i>	„ <i>Homiliae</i>	PG XXXI. 164-617
„ <i>Hom. in S. Mamantem</i>	„ <i>Homilia in S. Mamantem</i>	PG XXXI. 589-600
„ <i>Reg. Brev.</i>	„ <i>Regulae brevius tractatae</i>	PG XXXI. 1079-1306
„ <i>Reg. Fus.</i>	„ <i>Regulae fusius tractatae</i>	PG XXXI. 889-1052
Boeth. <i>Consol.</i>	Boethius, <i>de Philosophiae Consolatione</i>	CSEL LXVII
„ <i>Comm. in Arist.</i>	„ <i>Commentarii in librum Aristotelis περὶ ἑρμηνείας.</i>	C. Meiser, 1877-80 (Teubner)
Boniface, <i>Ep.</i>	(Pope) Boniface I, <i>Epistulae</i>	PL XX. 750-84
Bruns, <i>Fontes juris Romani</i> <sup>7</sup>	C. G. Bruns, <i>Fontes iuris Romani antiqui</i>	septimum ed. O. Gradenwitz, Tübingen, 1909
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C. Anc.	<i>Concilium Ancyranum</i> (314)	Mansi, II. 513-22
C. Ant.	<i>Concilium Antiochenum</i> (c. 326)	Mansi, II. 1308-20
C. Araus. I	<i>Concilium Arausicanum</i> I (441)	Mansi, VI. 434-41
C. Araus. II	<i>Concilium Arausicanum</i> II (529)	MGH (Concilia) 44-54

- C. Arel. I* *Concilium Arelatense I* (314)  
*C. Arel. II* *Concilium Arelatense II* (452)  
*C. Arvern. I* *Concilium Arvernense I* (535)  
*C. Aurel. I* *Concilium Aurelianense I* (511)  
*C. Aurel. II* *Concilium Aurelianense II* (533)  
*C. Aurel. III* *Concilium Aurelianense III* (538)  
*C. Aurel. IV* *Concilium Aurelianense IV* (541)  
*C. Aurel. V* *Concilium Aurelianense V* (549)  
*C. Autis.* *Concilium Autissiodorense* (578)  
*C. Bracar. I* *Concilium Bracarense I* (563)
- C. Bracar. II* *Concilium Bracarense II* (572)  
*C. Carp.* *Concilium Carpentoratense* (527)  
*C. Carth. I-IV* *Concilia Carthaginensia*
- C. Chalc.* *Concilium Chalcedonense* (451)  
*C. Const. I* *Concilium Constantinopolitanum* (381)  
*C. Elus.* *Concilium Elusanum* (551)  
*C. Epaon.* *Concilium Epaonense* (517)  
*C. Gangr.* *Concilium Gangrense* (c. 362)  
*C. Hippon.* *Concilium Hipponense* (393)  
*C. Hisp. I* *Concilium Hispalense I* (590)  
*C. Hisp. II* *Concilium Hispalense II* (618)  
*C. Ilerd.* *Concilium Ilerdense* (523)  
*C. Ilib.* *Concilium Iliberitanum* (305)  
*C. Laod.* *Concilium Laodicenum*  
*C. Mass.* *Concilium Massiliense* (533)  
*C. Matic. I* *Concilium Matisconense I* (581)  
*C. Matic. II* *Concilium Matisconense II* (585)  
*C. Milev.* *Concilium Milevitanum* (402)  
*C. Narb.* *Concilium Narbonense* (589)  
*C. Neocaes.* *Concilium Neocaesariense* (314)  
*C. Nic.* *Concilium Nicaenum* (325)  
*C. Paris. III* *Concilium Parisiense III* (557)  
*C. Paris. V* *Concilium Parisiense V* (615)  
*C. Reg.* *Concilium Regense* (439)  
*C. Rem.* *Concilium Remense* (625)  
*C. Sard.* *Concilium Sardicense* (347)  
*C. Tarrac.* *Concilium Tarraconense* (516)  
*C. Taurin.* *Concilium Taurinense* (401)  
*C. Tol. I* *Concilium Toletanum I* (398)  
*C. Tol. III* *Concilium Toletanum III* (589)  
*C. Tol. IV* *Concilium Toletanum IV* (633)  
*C. Tol. VII* *Concilium Toletanum VII* (646)  
*C. Turon. I* *Concilium Turonicum I* (460)  
*C. Turon. II* *Concilium Turonicum II* (567)  
*C. Valent.* *Concilium Valentinum* (524)  
*C. Vas. I* *Concilium Vasense I* (442)  
*C. Vas. II* *Concilium Vasense II* (529)  
*C. Venet.* *Concilium Veneticum* (465)  
*CIL* *Corpus Inscriptionum Latinarum*  
*CJ* *Codex Justinianus\**  
*CPR* *Corpus Papyrorum Raineri*  
*CTb* *Codex Theodosianus\**  
*Caes. BG* *Caesar, de bello Gallico*  
*Caesarius, Serm.* *Caesarius, Sermones*
- „ *Reg. Virg.* „ *Regula ad Virgines*
- Mansi, II.* 470-4  
*Mansi, VII.* 875-85  
*MGH (Concilia)* 65-71  
*MGH (Concilia)* 1-14  
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*Mansi, III.* 5-21  
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*Mansi, X.* 611-41  
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*Mansi, VII.* 943-7  
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„ <i>Inst.</i>	„ <i>de coenobiorum institutis</i>	CSEL XVII
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„ <i>de cos. Stil.</i>	„ <i>de consulatu Stilicbonis</i>	„
„ <i>de IV cos. Hon.</i>	„ <i>de quarto consulatu Honorii</i>	„
„ <i>de VI cos. Hon.</i>	„ <i>de sexto consulatu Honorii</i>	„
„ <i>de III cos. Hon.</i>	„ <i>de tertio consulatu Honorii</i>	„
„ <i>Epigr.</i>	„ <i>Epigrammata</i>	„
„ <i>in Eutrop.</i>	„ <i>in Eutropium</i>	„
„ <i>in Ruf.</i>	„ <i>in Rufinum</i>	„
„ <i>Pan. Mallio</i>	„ <i>Panegyricus dictus Mallio</i>	„
„ <i>Theodoro cos.</i>	„ <i>Theodoro consuli</i>	„
<i>Cod. Can. Eccl. Afr.</i>	<i>Codex Canonum Ecclesiae Africanae</i>	H. T. Bruns, <i>Canones Apostolorum et Conciliorum</i> (Berlin, 1839), I. 155-202
<i>Cod. Euric.</i>	<i>Codicis Euriciani fragmenta</i>	MGH (Leg.) I. i. 3-32
<i>Coll.</i>	<i>Mosaicarum et Romanarum legum collatio</i>	FIR II <sup>2</sup> . 544-89
<i>Coll. Avell.</i>	<i>Epistulae imperatorum pontificum aliorum . . . Avellana quae dicitur Collectio</i>	CSEL XXXV
<i>Coll. Carth.</i>	<i>Gesta Collationis Carthagine habitae</i>	Mansi, IV. 51-275
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„ <i>Ep.</i>	„ <i>Epistulae</i>	„
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<i>Expos. Fid.</i>	<i>Brevis ac vera expositio fidei catholicae et apostolicae ecclesiae</i>	K. Holl, <i>Gr. Schr.</i> vol. 37
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„ <i>Laud. Const.</i>	„ <i>Oratio de laudibus Constantini</i>	I. A. Heikel, <i>Gr. Schr.</i> vol. 7
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<i>c. lud. de Anna de Sac. Ep. Hom. ad pop. Ant. Hom. de Laz. Hom. hab. in eccl. Pauli. Hom. in Act. Hom. in Ep. I ad Cor. Hom. in Ep. II ad Cor. Hom. in Ep. I ad Tim. Hom. in Eph. Hom. in Gen. Hom. in Hebr. Hom. in Job. Hom. in Matth. " Laud. Ign. Mart.</i>	" <i>Homilia contra ludos et theatra Sermones de Anna de Sacerdotio Epistulae Homiliae de statu ad populum Antiochenum Homiliae de Lazaro Homilia habita in ecclesia Pauli Homiliae in Acta apostolorum Homiliae in epistolam primam ad Corinthios Homiliae in epistolam secundam ad Corinthios Homiliae in epistolam primam ad Timotheum Homiliae in epistolam ad Ephesios Homiliae in Genesim Homiliae in epistolam ad Hebraeos Homiliae in Joannem Homiliae in Matthaeum Laudatio in S. martyrem Ignatium Deiferum</i>	PG LVI. 263-70 PG LIV. 631-76 PG XLVIII. 623-92 PG LII. 529-742 PG XLIX. 15-222 PG XLVIII. 963-1054 PG XLIII. 501-10 PG LX. 13-384 PG LXI. 9-382 PG LXI. 382-610 PG LXII. 501-600 PG LXII. 9-176 PG LIII-LIV PG LXIII. 9-236 PG LIX PG LVII-LVIII PG L. 587-96
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Persons with two (or more) names, unless they are by general convention known by both (e.g. Sidonius Apollinaris), are indexed under their second (or last) name, which they in fact normally used. Holders of several offices are distinguished by the highest office which they are recorded to have held; thus references to Constantius, the patrician of Honorius, will be found under Constantius III, emperor. All references are to Volumes I and II.

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